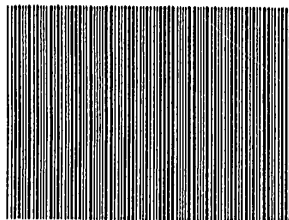


U. S. Department of Justice

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94-HQ-1-369-40

SERIALS 1882-1924

94-HQ-1-369

SECTION 40

FEDERAL BUREAU

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SECTION 40

SERIALS 1882-1924

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. W. C. Sullivan

DATE: 1/17/64

FROM : Mr. R. W. Smith

SUBJECT: "PEACEFUL COEXISTENCE,
A COMMUNIST BLUEPRINT FOR VICTORY"
BY DR. RICHARD V. ALLEN
CENTRAL RESEARCH MATTER
D.C.

1 - Mr. Belmont
1 - Mr. Mohr
1 - Mr. Gale
1 - Mr. Edwards
1 - Mr. Sullivan
1 - Section tickler
1 - Mr. Garner
1 - J. M. Sizoo

Tolson ☒
Belmont ☒
Mohr ☒
Casper ☒
Callahan ☒
Conrad ☒
DeLoach ☒
Evans ☒
Gale ☒
Rosen ☒
Sullivan ☒
Tavel ☒
Trotter ☒
Tele. Room ☒
Holmes ☒
Gandy ☒

By memorandum from Mr. Edwards to Mr. Gale, dated 1/13/64, captioned as above, Domestic Intelligence Division (DID) was furnished a copy of a provisional draft of a pamphlet prepared by Dr. Allen, Research Associate, Center for Strategic Studies, Georgetown University, for the Standing Committee on Education Against Communism of the American Bar Association (ABA). Retired Admiral Arleigh Burke is Director of the Center at Georgetown. DID was requested to furnish its comments on the draft.

The purpose of the pamphlet is to present a current appraisal of the communist strategy of "peaceful coexistence," incorporating material from communist sources primarily subsequent to the Cuban missile crisis. The draft, 47 pages long, presents some 68 quoted communist statements from sources which include Soviet Premier Khrushchev and the Soviet Communist Party journals, Pravda, and Kommunist.

The approach to this analysis of the communist strategy of "peaceful coexistence" is to rely on communist quotations to reveal that communist "peaceful coexistence," far from bringing a truce or relief in the continuing conflict between communism and the noncommunist world, is strictly a line of communist strategy which continues the basic struggle of communism by various tactics and methods in its aim to control the world.

The pamphlet concludes that, while the West is willing to consider proposals for peace at any time, peace on the basis of the communist doctrine of "peaceful coexistence" is "clearly an impossibility," since the communists actually seek to destroy us. The closing quotation from Khrushchev (page 47) points out the communist aim of "burying" capitalism:

Enclosure

JMS:mlf
(9)

EX - 117

REC-9

94-1-369-1882
JAN 21 1964

OVER

57 JAN 27 1964

Memorandum R. W. Smith to W. C. Sullivan
RE: "PEACEFUL COEXISTENCE,
A COMMUNIST BLUEPRINT FOR VICTORY"
BY DR. RICHARD V. ALLEN
CENTRAL RESEARCH MATTER

"Capitalism....wants to bury the Socialist system and we want---not only want but have dug--quite a deep hole, and shall exert efforts to dig this hole deeper and bury the capitalist system forever."

Among the various quotes from Khrushchev used to describe "peaceful coexistence":

1. The Nature of "Peaceful Coexistence" (page 8)

"the policy of peaceful coexistence, as regards its social content, is a form of intense economic, political, and ideological struggle of the proletariat against the aggressive forces of imperialism in the international arena."

2. Wars Still Supported (page 35)

"Liberation wars will continue to exist as long as imperialism exists, as long as colonialism exists. These are revolutionary wars. Such wars are not only admissible but inevitable...."

"....These are uprisings against rotten reactionary regimes, against the colonizers. The Communists fully support such just wars and march in the front rank with the peoples waging liberation struggles."

3. Can Capitalism and Communism be Reconciled? (page 27)

"...There can be no compromise here.... In this grim struggle between two uncompromising ideologies, the socialist and the bourgeois...we are attacking and will attack, asserting Communist ideas."

The pamphlet also states that the question of how world communism will seize control in noncommunist countries has been a subject of dispute between various communist parties. But it warns that we cannot assume that those communists who disavow the "violent

Memorandum R. W. Smith to W. C. Sullivan
RE: "PEACEFUL COEXISTENCE,
A COMMUNIST BLUEPRINT FOR VICTORY"
BY DR. RICHARD V. ALLEN
CENTRAL RESEARCH MATTER

path" are necessarily "any less dangerous" to the free world. (page 35)
In connection with differences in the world communist movement,
the pamphlet admonishes that, whatever the course of the Soviet-Chinese
alliance, the West "may not relax its guard against all kinds of
Communist offensives. To be prepared for anything is to be secure."
(page 42)

It is believed that the pamphlet when issued by the ABA
Committee in final form would be of value as reference material
for the Bureau.

Enclosed with this memorandum is a list of suggested
changes which may be brought to the attention of the
ABA Standing Committee through Bureau liaison. It is believed
that the changes would aid in improving the pamphlet and
correcting several inaccuracies.

RECOMMENDATION:

That the suggestions contained in the enclosed list be
furnished to Mr. H. L. Edwards for liaison with the Standing
Committee on Education Against Communism of the ABA.

SUGGESTED CHANGES IN DRAFT

1. Page 1. In the last sentence on the page which continues on page 2, it is suggested that the phrase "Although it has been said that Americans have no sense of history," be deleted and the sentence begin with "Nearly every public . . . etc." This would avoid possible controversy over the pros and cons of the American sense of history and would not detract from the meaning of the thought expressed by the paragraph.
2. Page 5. The next to the last paragraph as well as the first sentence of the last paragraph should be deleted. Then, the last sentence of the last paragraph should be made the last sentence of the first paragraph under the caption, "A Note On Communist Sources." This is suggested since the price of radios operating on short-wave and capable of receiving Radio Moscow transmissions would appear to be outside the financial reach of most natives of Africa or the campesinos in Venezuela. No loss to the meaning of thought on the extent of communist propaganda would result.
3. Page 6. In the first paragraph, the reference to World Marxist Review should be presented more accurately. Suggest the following be substituted for the second sentence: "For example, the official ideological journal of the international Communist movement, Problems of Peace and Socialism, is published monthly in some twenty different editions, the English-language edition being entitled World Marxist Review."
4. Page 15. The first clause of the first sentence of the last paragraph should be deleted inasmuch as the comment being "fashionable" in the West to regard "victory" in the Cold War as "meaningless" might be construed to the effect that the West adopts the philosophy of "better Red than dead." The paragraph should read as follows: "The Communists persist in regarding 'victory' as their official goal, although they may have a very real appreciation that 'victory' in a nuclear war would very probably be a victory in the end for no one. But, excluding a single method of action as an unrealistic instrument of policy does not signify that the entire concept of victory has been relinquished."

ENCLOSURE

94-1-369-1882

5. Page 21. The last sentence of the first full paragraph states that the United States prevented the introduction of missiles into Cuba. This is technically inaccurate, since the Soviets admitted the presence of their missiles in Cuba and agreed to withdraw them. Suggest sentence read: "The world knows that it was the action of the United States which resulted in Khrushchev's agreement to withdraw the intermediate range ballistic missiles from Cuba."
6. Page 27. In the second sentence in line three of the first full paragraph a quotation mark is apparently needed following the phrase "class struggle" denotes. . . etc.

UNITED STATES

DEPARTMENT

Memorandum

TO : DIRECTOR, FBI

DATE: 1/17/64

FROM : SAC, CHICAGO (80-355)

SUBJECT: AMERICAN BAR ASSOCIATION

Enclosed herewith find two American Bar Association Red Book Directories for 1963-1964, which were made available by [redacted] of the Association.

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b7C

- 2 - Bureau (Encls. 2)
- 1 - Chicago

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(3)

ENCLOSURE

*2 enclosures
mailed 1/21/64
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HWP/LL*

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INSPECTION DIVISION
FBI

JAN 20 3 03 PM '64

RECEIVED FBI

94-1-369-1883

JAN 20 1964

TELETYPE

JAN 21 1964

JAN 24 1964

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Gale *AG*

DATE: January 13, 1964

FROM : H. L. Edwards *HL*SUBJECT: PEACEFUL COEXISTENCE
A COMMUNIST BLUEPRINT FOR VICTORY
BY DR. RICHARD V. ALLEN"

Tolson	_____
Belmont	_____
Mohr	_____
Casper	_____
Callahan	_____
Conrad	_____
DeLoach	_____
Evans	_____
Gale	_____
Rosen	_____
Sullivan	_____
Tavel	_____
Trotter	_____
Tele. Room	_____
Holmes	_____
Gandy	_____

In May of 1961 the Special Committee on Communist Tactics, Strategy and Objectives, American Bar Association (ABA), issued a pamphlet entitled, "Peaceful Coexistence, a Blueprint for Disruption" as a report of this special committee. The pamphlet endeavored to define the communist view of "peaceful coexistence." The pamphlet was reviewed by the Domestic Intelligence Division and was issued by the committee at its various seminars on communism.

The original committee was superseded by a Standing Committee on Education Against Communism which at the annual ABA meeting at Chicago, Illinois, August, 1963, decided to have the pamphlet revised and made more current. The purpose of the revision was to redefine peaceful coexistence in light of events since the Cuban missile crisis in October, 1962. The committee assigned the revision to Dr. Richard Allen, Research Associate, Center for Strategic Studies, Georgetown University. You may recall that the Director of the Center for Strategic Studies is retired Admiral Arleigh Burke.

A provisional draft of the revised pamphlet now carrying the title "Peaceful Coexistence, a Communist Blueprint for Victory" was submitted on January 3, by Dr. Allen and has been distributed to committee members for comments and suggestions. I received the attached draft as a member of this committee and comments were requested by January 17, 1964. However, I am quite certain that the final draft will not be approved before the mid year ABA meeting February 13, 1964, and it would be extremely helpful to me in my liaison capacity to have the benefit of the comments of the Domestic Intelligence Division concerning the merits of the provisional draft of this pamphlet. When approved, this pamphlet will be widely circulated by the committee and therefore we should assure that the material presented is accurate and to the best interest of the United States.

RECOMMENDATIONS

REC 7 94-1-367-1884
JAN 21 1964

That this pamphlet be referred to the Domestic Intelligence Division for any analyses, observations or comments which might be appropriate and of interest to the Bureau or of interest in connection with the Bureau's liaison with the ABA.

Enclosure

1 - Mr. Sullivan

TDW:bhg

(5)

EX-115

mel *my* *AG*
TELETYPE
RECEIVED

UNITED STATES GOVERNMENT

Memorandum

TO : MR. GALE

DATE: January 16, 1964

FROM : H. L. EDWARDS

SUBJECT: RAYMOND W. MILLER

AMERICAN BAR ASSOCIATION STANDING COMMITTEE
ON EDUCATION AGAINST COMMUNISM

Tolson	_____
Belmont	_____
Mohr	_____
Casper	_____
Callahan	_____
Conrad	_____
DeLoach	_____
Evans	_____
Gale	_____
Rosen	_____
Sullivan	_____
Tavel	_____
Trotter	_____
Tele. Room	_____
Holmes	_____
Gandy	_____

Raymond W. Miller is a member of the American Bar Association Standing Committee on Education Against Communism. He is an author of several books on cooperatives which are anti-communist. He is a visiting lecturer on business administration and runs a public relations seminar at Harvard University Graduate School of Business Administration, where Assistant Director W. C. Sullivan has been an annual guest lecturer for the past couple of years. Miller met the Director when the ABA Committee was given a briefing at the Bureau in the Fall of 1961 and a group photograph was taken in the Director's Office. Miller has always been an ardent admirer of the Director.

Miller wrote to me as a member of the ABA Committee and asked if I would endeavor to get the Director's approval to have Mr. Sullivan's lectures published in a small publication which could be given out to Miller's graduate students and also would be valuable for distribution as a part of the hand-out material at the anti-communism seminars sponsored by the ABA Committee. Miller indicated the ABA Committee would subsidize the printing and publishing of this material.

The lectures to which Miller refers are two on various aspects of communism which Mr. Sullivan delivered in 1962 and 1963 at the Graduate School of Business Administration and the third will be the lecture which Mr. Sullivan is scheduled to give at Harvard on May 5, 1964. Mr. Sullivan advises the outlines for the two lectures already given have been previously approved in the Bureau and the outline for the forthcoming lecture will be submitted for approval when prepared. Copies of the two approved outlines are attached. One is entitled "Communism and Economics" and goes into the Communist economic theory, historical development, expansion to the United States, changes which have occurred, and fallacies of Communist economics. The other is entitled "Communism and Employer-Employees" and explains the Party line and Communist tactics against employers, propaganda and tactics directed towards the worker, Communist exploitation of employer-employee relations, opposition of responsible business and

Enclosures

- 1 - Mr. Sullivan
- 1 - Mr. DeLoach

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REC-11

6 FEB 4 1964

ENCLOSURE ATTACHED

94-1-369-1885
RESEARCH-SATELLITE

Memo for Mr. Gale
Re: Raymond W. Miller

labor leaders to communism, and a look to the future. Should the Director grant the permission which Miller seeks, Mr. Sullivan will be able to work these lectures into suitable form for Mr. Miller's purposes and will insure that there is nothing in the content which would not be appropriate for publication and dissemination.

Miller enclosed a small hand-out booklet as a sample of another individual's lectures which were incorporated into published form for distribution and it is noted the publication is a very attractive, readable one which is illustrated by photographs and charts. The same type of attractive publication could be prepared for Mr. Sullivan's lectures.

RECOMMENDATION:

That approval be given to having Mr. Sullivan's lectures printed and published for dissemination by the ABA Committee and Dr. Miller. If this is approved, I will make arrangements with Mr. Sullivan and Dr. Miller to have the proposed manuscript submitted to the Bureau for final editing and approval before printing.

7/25

11/17

Sullivan has no
objection.

W.H.

1/8

G.K. J.H.

V. K. 1/20

Q

C

C



ENCLOSURE

ENCLOSURE

14-1-319-1885



BUSINESSMEN

& MOTOR

VEHICLES

AAA by W. L. ROBINSON



AMERICAN AUTOMOBILE ASSOCIATION
Washington, D.C.

94-1-369-1885

COMMUNISM AND EMPLOYER - EMPLOYEES

BY W. C. SULLIVAN
HARVARD UNIVERSITY
FEBRUARY 5, 1963

I COMMUNISM AND THE EMPLOYER

A. The Party line

(1) 1919 - 1963

B. Communist tactics against employers

(1) 1919 - 1963

II COMMUNISM AND THE EMPLOYEE

A. Propaganda directed towards the worker

(1) 1919 - 1963

B. Tactics directed towards the worker

(1) 1919 - 1963

III THE INTELLECTUAL MEDIA AND EMPLOYER - EMPLOYEE RELATIONS

A. Communist exploitation

(1) 1919 - 1963

IV EXPOSURE OF COMMUNIST ACTIVITIES

A. In the employer - employee area

(1) Contribution of business leaders

(2) Contribution of labor leaders

V THE MODERN PERIOD

A. Communist Party continued efforts

(1) Examples

B. Opposition to Communism

(1) By responsible business leaders

(2) By responsible labor leaders

VI THE FUTURE

94-1-369-1885

COMMUNISM AND ECONOMICS

BY W. C. SULLIVAN
HARVARD UNIVERSITY
JANUARY 9, 1962

I COMMUNIST ECONOMIC THEORY

A. Historical Sources

- (1) Marxist contributions and additions

B. Contributions by Friedrich Engels

- (1) Collaborator

C. Application to the age of Marx

II HISTORICAL DEVELOPMENT

A. European setting

- (1) Political - economic unrest

B. Scholarly opposition

- (1) Marx - Engels rebutted
- (2) Scholars take different positions

III EXPANSION TO U. S.

A. Beginnings of economic Marxism

- (1) Civil War Period

B. 1900 economic setting

- (1) Rise of socialism

IV ECONOMIC CHANGES IN WORLD WAR I PERIOD

A. Establishment of Communist Party, USA

(1) Relationship to economic conditions

B. Economic party line

(1) Examples

V DEPRESSION YEARS

A. Communist Party exploitation of economic conditions

(1) Militancy

(2) Propaganda

(3) Infiltration

(4) United front

VI COMMUNIST ECONOMICS - 1950-1960

A. Fallacies

B. The future

UNITED STATES GOVERNMENT

Memorandum

Tolson _____
Belmont _____
Mohr _____
Casper _____
Callahan _____
Conrad _____
DeLoach _____
Evans _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

TO : Mr. Gale

DATE: January 28, 1964

FROM : H. L. Edwards

SUBJECT: AMERICAN BAR ASSOCIATION
STANDING COMMITTEE ON EDUCATION AGAINST COMMUNISM
PROPOSED PAMPHLET "TEACHER INSTITUTES ON
'COMMUNISM VERSUS DEMOCRACY'"

I have just received a draft of a proposed pamphlet planned by the American Bar Association's Standing Committee on Education Against Communism which will describe the Committee's Program for "Teacher Institutes on 'Communism Versus Democracy.'" The text of this draft will be on the agenda of the midwinter meeting of the Committee scheduled for Chicago, 2-12-64. At this meeting the Committee will want to have any suggested amendments so that the proposed final draft can be approved for printing.

This particular program of the Committee is designed to further the objectives of encouraging secondary schools and colleges to foster education in the contrast between communism and democracy. It is realized that in order to do this properly, selected and trained teachers must be available. The Committee is separately finalizing a Teacher Training Syllabus in this subject. There have been some Teacher Training Institutes already held and the Bureau has co-operated through the Director's making qualified Bureau representatives, such as Assistant Director W. C. Sullivan, available to participate in some of these institutes. For example, this draft mentions on page 3 of the text that Mr. Sullivan participated in a typical summer institute in the Summer of 1963 at the East Carolina College in Greenville, North Carolina, where 54 secondary school teachers were trained. This program was strongly supported by Governor Terry Sanford as part of his objectives of promoting citizenship education.

These institutes are, of course, under the control of educators and the American Bar Association's Committee has leaned over backwards to avoid being accused of presuming to advise professional educators on how and what to teach.

EX-103

REC-25

The idea is gaining considerable momentum throughout the country and many questions are directed to the American Bar Association's Committee as to how to go about organizing and conducting an institute, sources of help, so forth. Therefore, there is a demand for an informative pamphlet type of guide

Enclosure

1 - Mr. DeLoach

56 MAY 22 1964

HLE:mbk (5)

ENCLOSURE

2 MAY 12 1964

1884

TEN

Memorandum to Mr. Gale

Re: American Bar Association Standing Committee on
Education Against Communism, Proposed Pamphlet
"Teacher Institutes on 'Communism Versus Democracy'"

such as the Committee has drafted. It will be noted that the draft closes with an excellent quotation from the Director's book, "A Study of Communism," which they plan to have on the back cover.

As a member of this ABA Committee I will be participating in the discussions pertaining to this pamphlet. It would be helpful to me, as well as definitely in the best interests of the Bureau, if I could have the views of the Crime Records and the Domestic Intelligence Divisions on this proposed draft so that any ideas for strengthening it either in text or format could be proposed for incorporation into the final draft.

A copy of this memorandum and the proposed draft is being designated for the Crime Records and Domestic Intelligence Divisions.

RECOMMENDATION:

That the Crime Records and Domestic Intelligence Divisions review the attached proposed draft and make available to me any proposed corrections, or ideas for strengthening the draft. I would appreciate having these views by Friday, February 7, 1964, so that I will be able to review them and clear up any possible questions in advance of the Chicago meeting.

[Handwritten signatures: J. Edgar Hoover, W.C., and others]

DRAFT

~~*~~
TEACHER INSTITUTES ON
"COMMUNISM VERSUS DEMOCRACY"

(A PROGRAM OF THE AMERICAN BAR ASSOCIATION'S
STANDING COMMITTEE ON EDUCATION AGAINST COMMUNISM)

*Published By
American Bar Association*

"We need, far and wide in this country, more education on the whole history of the Communist movement....We should not be afraid to teach the subject. The history of Communism and all of its works would bear its own indictment of the system. Let the facts speak for themselves."

-- Allen W. Dulles

94-1-369-1885X

~~94-1-369-1903~~

ENCLOSURE

AMERICAN BAR ASSOCIATION

Standing Committee on Education Against Communism
1155 East 60th Street, Chicago, Illinois 60637

Chairman, Morris I. Leibman, Messrs. Leibman, Williams, Bennett & Baird, 208 South LaSalle Street, Chicago 4, Illinois.
H. Lynn Edwards, Federal Bureau of Investigation, Justice Building, Room 5256, Washington 25, D. C.
Egbert L. Haywood, Messrs. Haywood & Denny, 111 Corcoran Street Building, Durham, North Carolina.
John G. McKay, Jr., Messrs. Dixon, DeJarnette, Bradford, Williams, McKay, & Kimbrell, Dade Federal Building, Miami 32, Florida.
Raymond W. Miller, Public Relations Research Associates, Inc., DuPont Circle Building, Washington 6, D. C.
William C. Mott, Office of the Judge Advocate General, Department of the Navy, Washington 25, D. C.
Louis B. Nichols, Schenley Industries, Inc., 1290 Avenue of the Americas, New York, New York.
Mario T. Noto, Immigration & Naturalization Service, Department of Justice, Washington 25, D. C.
C. Brewster Rhoads, Messrs. Montgomery, McCracken, Walker & Rhoads, 1421 Chestnut Street, Philadelphia 2, Pennsylvania.
John Ritchie, Dean of the Northwestern University Law School, Chicago 11, Illinois.
Jackson A. Wright, Messrs. Edwards, Wright & Seigfreid, 123 East Jackson Street, Mexico, Missouri.
Administrative Assistant, F. J. McGuire, 208 South LaSalle, Chicago, Illinois
Counsel, B. P. Atterbury, 121 East 71st Street, New York 21, New York.
Consulting Program Manager, Frank R. Barnett, National Strategy Information Center, Inc., 121 East 71st Street, New York, New York.

"... we lawyers feel that we have a special responsibility when it comes to protecting the system our predecessors had so much to do with bringing into being. We feel that whenever the system created by the genius of our forbears is under attack -- as it certainly is today by the international communist conspiracy -- that it is up to us to leap to the defense."

From an address to the Iowa Legislature,
March, 1963, by Walter Craig, President
of the ABA, 1963-64.

"At best, we are in for a protracted struggle which will extend for decades. The wisdom, will and patience of our people will be tested more severely than in all

Inside front cover
continued

previous wars in our history. We must, of course, fight this Cold War within the framework of a free society. This accents the need for the knowledge and understanding which, in a democracy, both the people and our leaders must possess. This means, of course, not merely knowledge of the communist movement, but the breadth of knowledge and wisdom which is attainable only by free men with free institutions.

"It is the high purpose of this meeting tonight, and the aspiration of the ABA Committee, to promote and encourage this kind of knowledge and wisdom."

From an address to the Connecticut Bar Association at Hartford, October, 1962, by Lewis F. Powell, Jr., President-Elect of the ABA, 1964-65.

TEACHER INSTITUTES ON
"COMMUNISM VERSUS DEMOCRACY"

A PROGRAM OF THE AMERICAN BAR ASSOCIATION'S
STANDING COMMITTEE ON EDUCATION AGAINST COMMUNISM

* * * * *

INTRODUCTION

The American Bar Association created a Standing Committee on Education Against Communism at its annual meeting in August 1962, by merging the activities of two special committees: the Special Committee on Communist Tactics, Strategy and Objectives, and the Special Committee on Education in the Contrast Between Liberty Under Law and Communism. The new Committee seeks (1) to provide Bar Associations with nationally known speakers on Communist strategy and tactics during an annual meeting; (2) to support universities which sponsor summer schools on "Communism vs. Democracy" for high school teachers; and (3) to encourage State and Local Bar Associations to create their own committees and then to initiate continuing efforts to educate themselves and other responsible professional and civic groups on current Communist methods and aims.

The Committee's programs have elicited the active cooperation of educators, school authorities and lawyers, as well as civic groups like the Junior Chamber of Commerce. Though the Committee engages in other activities, this pamphlet summarizes only those relating to education about "Communism versus Democracy" in the schools.

ORIGIN

In January 1962, a predecessor committee of the ABA, headed by Mr. Lewis F. Powell of Richmond, President-Elect of the American Bar Association, published a pamphlet entitled Instruction on Communism and Its Contrast With Liberty Under Law. Prepared at an hour when doubt and controversy still surrounded the question of teaching about Communism, that pamphlet helped clear the air; and more than 15,000 copies have been distributed to educators, lawyers and school board members.

A PRIORITY PROBLEM

Now that most Americans agree on the need to teach about Communism in contrast with the values, traditions and history of freedom, one priority problem is the providing of adequate teacher training, aids and texts, so the job can be done properly. Can one expect every social studies teacher, however devoted to educational excellence, to be well grounded in comparative government, comparative economics and comparative ideology? Almost all educators think not. Hence, there is a critical and immense task of assisting social studies teachers to improve their own knowledge in the interdisciplinary subject materials covered by the deceptively simple title, "Communism vs. Democracy."

THE COMMITTEE'S POSITION ON ACADEMIC FREEDOM

In all its activities relating to schools and colleges, the Committee is simply using its good offices to help one group of educators transfer experience and expertise to colleagues. The Committee of lawyers does not presume itself to write a syllabus for the schools, nor to advise professional educators on how and what to teach.

TWO SERVICES TO EDUCATORS

At its own expense the Committee arranges for qualified scholars who have directed summer institutes for high school teachers to advise and consult with other college faculties desiring to set up similar institutes. (For example, in the winter of 1962-63, scholars who directed teacher institutes in the previous summer visited Georgia, New Jersey, Arizona and North Carolina to help plan institutes in those states for the summer of 1963.) In addition, the Committee provides these teacher institutes with nationally known experts as guest lecturers. Honoraria and travel expenses for these lecturers are paid by the Committee. Obviously, these services are furnished only upon request. At no time does the Committee seek to trespass on the professional educators' domain.

A TYPICAL SUMMER INSTITUTE

For three weeks, in the summer of 1963, fifty-four North Carolina secondary school teachers attended the "Institute on

Constitutional Democracy and Totalitarianism" at East Carolina College in Greenville. The objective was to equip teacher-students with "a conception of the value of our way of life, the challenges to our way of life, and the responsibilities of citizenship - a conception which the teachers must have before they can teach it to others."

Sponsorship

The principal sponsor of the Institute was the North Carolina Educational Council on National Purposes, appointed by Governor Terry Sanford in 1962 to promote citizenship education. The North Carolina Junior Chamber of Commerce served as co-sponsor of the Institute and, in supporting the program, worked closely with the State Superintendent of Public Instruction.

How The Committee Helped

In the fall of 1962, the ABA's Committee on Education Against Communism was invited to assist in planning the East Carolina Institute. Two of its members conferred with the Governor. Subsequently, the Committee arranged conferences between the faculty of East Carolina College and Dr. Richard L. Walker and his associates at the University of South Carolina who had organized and conducted a teacher institute the previous summer.

Finally, at the request of East Carolina College, the Committee arranged for the appearance of eight guest speakers at the Teacher Institute. These were Dr. William Y. Elliott, former Professor of Government at Harvard University; Dr. Richard I. Miller, National Education Association Project on Instruction; Mr. Charles T. Vetter, Jr., Information Coordinator, United States Information Agency; Rear Admiral William C. Mott, Judge Advocate General of the Department of the Navy; Mr. William C. Sullivan, Assistant Director, Federal Bureau of Investigation; Dr. William R. Kintner, Deputy Director, Foreign Policy Research Institute at the University of Pennsylvania; Dr. Richard L. Walker, Professor of International Relations and Director of the Institute of International Relations at the University of South Carolina; and Mr. Frank R. Barnett, Program Manager, American Bar Association's Standing Committee on Education Against Communism.

Selection of Participants

The North Carolina Superintendent of Public Instruction en-

couraged local superintendents throughout the state to nominate their best teachers as candidates for the Institute. Nominations were submitted to East Carolina College where the final selection was made.

Jaycee Operation Teacher

Governor Sanford had also invited the Jaycees to co-sponsor the Institute; and through their efforts fellowships of \$250 per teacher were made available. The project was assigned to the Government Affairs Committee named "Jaycee Operation Teacher."

After having made their final selection of teachers to attend the Institute, East Carolina College officials forwarded names to the state chairman of the Jaycees and notified the individual teachers. The Jaycee state chairman, in turn, notified his local chapters. As funds were raised by the Jaycees (with the help of other civic clubs), checks in the amount of \$250 were drawn payable to East Carolina College. A letter accompanying each check specified the teacher for whom the funds were intended. Fifty dollars went to the College for tuition and administrative expenses, while the remaining \$200 was used by the teacher for room, board and textbooks.

Follow-Up

The high school teachers who attended the Institute returned to their school districts with study outlines, lists of visual aids, bibliographies and other materials to assist them in the classroom. They returned home, also, as one teacher put it, "thanks to the unusually high quality of instruction and the depth of information offered, prepared to teach in a more knowledgeable manner about the major ideologies that exist in the world today."

SOME OTHER INSTITUTES AND WORKSHOPS

The Committee on Education Against Communism was invited to assist other colleges and universities with institutes during the summer of 1963.

Arizona

One was the Workshop on "Communism/Its Theories, Strategy, and Propaganda Techniques", scheduled at Arizona State College in Flagstaff at the request of Arizona School people

"to prepare teachers to do a better job of teaching the advantages of American democracy." Mr. Walter Craig, President of the ABA 1963-64 and a resident of Phoenix, helped initiate this workshop. Lecturers made available by the Bar Committee included Dr. Stefan Possony, Director of the International Studies Program of The Hoover Institution on War, Revolution and Peace of Stanford University; Dr. Rodger Swearingen, Director of the Soviet-Asian Studies Center and the Research Institute on Communist Strategy and Propaganda at the University of Southern California; Dr. Miguel Jorrin, Director of Foreign Studies, University of New Mexico; Dr. Charles Malamuth, Research Institute on Communist Strategy and Propaganda, University of Southern California; Dr. Robert Wohl, Assistant Professor of Russian History, University of Southern California. The workshop director was Dr. Katharine F. Nutt, Associate Professor of History, Arizona State College. Participants received a total of two semester hours credit. Tuition and fees were \$25.50 and materials cost each participant an additional \$15.

New Jersey

Paterson State College at Wayne, New Jersey, also requested the Committee's support for an institute for teachers. Entitled "Teaching About Communism," and open to any teacher possessing a Bachelor's Degree, this session provided three semester hours credit. Tuition and fees were set at \$24.50. The Director of the institute was Dr. Joseph Brandes. The Committee arranged for four speakers to address this Institute. One of its own members, Mr. Raymond W. Miller, lawyer, teacher, and author, spoke on the theme "Can Capitalism Compete?" Dr. William R. Kintner, Deputy Director, Foreign Policy Research Institute, University of Pennsylvania, addressed himself to "The Communist Concept of Protracted Conflict." The well-known author, Mrs. Bonaro Overstreet, spoke on "How To Make Students Care About the Outcome of the Struggle Between Democracy and Communism". Another Committee member, Admiral William C. Mott, Judge Advocate General of the Department of the Navy, drew upon his first-hand experience as naval aide to three presidents to describe decision-making on cold war and foreign policy issues.

Ohio

Dr. Michael S. Pap, Director of the Institute for Soviet and East European Studies at John Carroll University in Cleveland, sought the Committee's assistance for his institute's 1963 conference, "The Challenge of Education/USA-USSR."

Open to the public as well as to teachers and students, the conference was addressed by Admiral Mott and Mr. Frank Barnett, as well as by Dr. Michael Pap; Dr. Nicholas DeWitt, associate professor of education at Indiana University; Dr. Arthur S. Trace of John Carroll and author of the widely discussed book What Ivan Knows That Johnny Doesn't; and Dr. Sterling McMurrin, former U.S. Commissioner of Education and now academic vice president of the University of Utah and dean of its College of Letters and Sciences.

The aims of this Institute, established in 1961, is to offer integrated study programs on the communist controlled world; collect and disseminate information about Soviet Russia colonial practices; describe methods of communist conquest and offer public lectures on various aspects of American-Soviet relations. As a special in-service training program for social studies teachers, the Institute, in cooperation with the University's Graduate School, offers a certificate of competence upon completion of the prescribed programs.

Georgia

In 1963, the Committee assisted the University System of Georgia in preparing for Institutes on Americanism and Communism on seven Georgia campuses by sending visiting scholars to Atlanta. The duration of these institutes averaged six weeks. Participants included high school teachers, graduate students and advanced undergraduates. Most of these institutes awarded semester hour credits to the participants; and the average registration fee was about \$60.

In 1964, the Committee is supporting the summer Institute at Georgia Southern College at Statesboro. The Co-Directors of that Institute are Dr. Melvin Ecke, Dean of the Graduate School of Georgia State University and Dr. Jack Averett, Chairman of the Department of Social Studies of Georgia Southern College. This Institute will be supported by the Georgia Jaycees and Education for Freedom, Inc. in Atlanta, a non-profit educational corporation founded by members of the Young Presidents' Organization (Rebel Chapter) and other civic leaders.

Missouri

The 1964 Summer Program offered by St. Louis University's Institute on Freedom and Communism, under the direction of the Rev. R. J. Henle, S.J., Dean of the Graduate School, and Vincent C. Punzo, Assistant Professor of Philosophy and Director of the Program, will be supported by the Committee.

The Institute, established at St. Louis University in April 1961, offers six hours of graduate credit in Communism and Americanism for teacher-leaders and teacher-specialists; for elementary and secondary school teachers; for persons in leadership positions in the United States and abroad; and for graduate students.

The Navy League of the United States, The St. Louis Educational Council for Responsible Citizenship, and The St. Louis Council Institute. The tuition averages \$30.00 a credit hour and financial assistance to students has been given by The Navy League of the United States and The Danforth Foundation through the St. Louis Educational Council for Responsible Citizenship as well as the University.

Tennessee

Vanderbilt University's two summer Institutes -- "The Institute on the Nature of Communism," and "The Institute on the Nature of American Democracy," made possible through grants from the Lilly Endowment, Inc. of Indianapolis, Indiana, are each six weeks in duration and each carries six semester hours of graduate credit. Each Institute is thus equivalent to a three-hour year course at the graduate level, and the whole program is equivalent to half an academic year of graduate work. The Director of the Institutes is Dr. Ewing P. Shahan, Professor of Economics and Business Administration.

Through the generosity of the Lilly Endowment, Inc. 40 full scholarships are available in each institute which pay for tuition, books, room and board. The Committee will support Vanderbilt University's program in 1964 by providing guest lecturers.

California

The Committee will support in 1964 the summer "Institute on Communism" presented by The Summer Session and The Research Institute on Communist Strategy and Propaganda of the University of Southern California. This is a six weeks course on doctrine, systems, foreign policies, and Communism in America under the direction of Dr. Rodger Swearingen, Associate Professor of International Relations, Director of the Soviet-Asian Studies Center and Research Institute on Communist Strategy and Propaganda at the University of Southern California.

EDUCATIONAL PROGRAMS OF SOME LOCAL BAR ASSOCIATIONS

At the state, county and city level, there are counterparts to the Committee on Education Against Communism. Two of the most active are in Florida. Both the Florida Bar Association and the Dade County (Miami) Bar Association have a Committee on Education Against Communism. Cooperation between the two is close and continuous, particularly in the promotion of a state-wide program called "Informed American." As a part of this program, the Florida Bar awards certificates of commendation to citizens who have recently read the Declaration of Independence, the Constitution and all of its Amendments, and J. Edgar Hoover's book Masters of Deceit.

The Dade County Bar committee and one of its programs deserves special mention. Its chairman is Mr. Samuel J. Powers, Jr.; and one of its members, Mr. John B. McKay, Jr., is a member of the ABA Committee and former chairman of the Florida Bar Association's Committee.

A Lawyer-Teacher Seminar at Freedoms Foundation

When Dr. Kenneth D. Wells and Admiral Felix Stump, President and Vice President of Freedoms Foundation, scheduled a two-day lawyer-teacher seminar at America's Freedom Center, at Valley Forge, Pennsylvania, the Dade County Bar Committee began raising funds for travel grants for Florida teachers. This program had the full cooperation of the Superintendent of the Board of Public Instruction.

The Freedoms Foundation seminar was attended by nine public school teachers from Florida, seven Committee members, eighteen other Dade County lawyers, and one layman. Some Committee members who could not attend paid expenses of teachers who otherwise would have been unable to participate.

In addition to talks by Freedoms Foundation officers and members of the Dade County committee, participants heard talks from such scholars as: Dr. William R. Kintner, Deputy Director, Foreign Policy Research Institute, University of Pennsylvania; Mr. S. E. Freund, a Director of the Institute on Communism, St. Louis University; Dr. Joseph R. Gavenonis, Director, Bureau of Private Schools, Pennsylvania Department of Public Instruction; and Dr. John Baird, Secretary, The American Educational and Historical Film Center, Eastern Baptist College.

Some Other Activities

The national Committee, with the Florida Bar, plans to co-sponsor more Seminars designed for educators who are teaching the mandatory "Americanism vs. Communism" resource unit in Florida public schools.

TEACHER SUMMER INSTITUTE OR WORKSHOP

CHECKLIST

FOR

STATE AND LOCAL BAR ASSOCIATIONS

Upon request, the ABA Standing Committee on Education Against Communism will assist state and local bar associations to:

- . Form a Standing Committee on Education Against Communism;
- . Increase the profession's understanding of the nature and scope of the Communist threat to democracy by conducting forums for association members;
- . Diversify and increase participation in such forums by enlisting the cooperation of service clubs and other responsible local organizations;
- . Determine, through educational channels, the extent to which units or courses are already being taught in the schools;
- . Cooperate with other local organizations in co-sponsoring fellowships for summer teacher institutes.

A Concluding Note

It is worth restating that (1) this is an educational program in which rigorous and objective instruction should be encouraged and (2) the Committee's function is to assist and cooperate with educational authorities who, of course, have primary responsibility. The Committee has prefaced all of its work in this field with conferences with educators and scholars at all levels. For example, the Committee met with the leaders in higher education who had directed and participated in four of the major summer institutes in 1962. They included Dr. Richard L. Walker, Director, Institute of International Studies, University of South Carolina; Dr. Rodger Swearingen, Director, Research Institute on Communist Strategy and Propaganda, University of Southern California;

Rev. R. J. Henle, S.J., Dean of the Graduate School, the St. Louis University; Dr. Ewing P. Shahan, Director of Summer Schools, Vanderbilt University; and Dr. William Yandell Elliott, School of Government, Harvard University.

We wish to express our appreciation for the advice rendered us by Dr. Richard I. Miller, Associate Director, Project on Instruction, National Education Association; Dr. John Kelley, Liaison Officer with the National Broadcasting Company's "Continental Classroom" for the American Association of Colleges for Teacher Education; Dr. Edward C. Pomeroy, Executive Secretary of the American Association of Colleges for Teacher Education; Dr. Merrill Hartshorn, Executive Secretary, National Council for Social Studies, National Education Association; Dr. Erling N. Hunt, Chairman, Department of the Teaching of Social Studies, Teachers College, Columbia University; Dr. and Mrs. Harry Overstreet, authors, lecturers and educational consultants; Dr. William R. Kintner, Deputy Director, Foreign Policy Research Institute, University of Pennsylvania; and Doctors W. Glenn Campbell and Stefan Possony, Hoover Institution on War, Revolution and Peace, Stanford University.

Recent meetings have included: Mr. Homer Bolen, Missouri State Department of Education; Mr. James B. Holderman, Office of Public Instruction, Springfield, Illinois; Dr. Gerhart Niemeyer, Professor of Political Science, University of Notre Dame; Dr. Michael S. Pap, Director, Institute for Soviet Studies, John Carroll University; Mr. Vincent C. Punzo, Executive Director, Institute on Freedom and Communism, St. Louis University; Mrs. Merlin M. Moore, State Department of Education, Little Rock, Arkansas; Dr. Fred Turner, State Department of Education, Tallahassee, Florida; Professor Charles L. Durrance, College of Education, University of Florida; Professor Miner L. Weems, University of Southern Mississippi; Mr. Linnell Gentry, State Department of Education, Tennessee; Dean John Wade, School of Law, Vanderbilt University; Professor Paul H. Sanders, School of Law, Vanderbilt University; Vice Chancellor Rob R. Purdy, Vanderbilt University; Mrs. Charline Potter, Supervisor of History and Economics, Houston Public Schools; Miss Mary Maddox, Thomas Jefferson High School, Richmond, Virginia; and Mr. Frank Cain, State Department of Education, Richmond, Virginia.

Inside back cover

The House of Delegates of the American Bar Association, in February of 1961, unanimously adopted significant resolutions dealing with this pressing educational need. In part, these resolutions said:

".....We encourage and support our schools and colleges in the presentation of adequate instruction in the history, doctrines, objectives and techniques of Communism, thereby helping to instill a greater appreciation of democracy and freedom under law and the will to preserve that freedom."

President John F. Kennedy, in his Special Message on Education submitted to Congress early in 1963, declared in part:

".....the twisting course of the cold war requires a citizenry that understands our principles and problems. It requires skilled manpower and brainpower to match the power of totalitarian discipline. It requires a scientific effort which demonstrates the superiority of freedom. And it requires an electorate in every state with sufficiently broad horizons and sufficient maturity of judgment to guide this Nation safely through whatever lies ahead.

In short, from every point of view, education is of paramount concern to the national interest as well as to each individual....."

Former President Eisenhower said:

"Competition for men's minds begins when they are students. This is why they must be taught to discern between the American form of government and the Soviet form."

J. Edgar Hoover in his A Study of Communism writes:

"A free society depends for its vitality and strength upon the vigor and patriotism of its individual citizens. Knowledge of communism -- the challenge of our age -- and an appreciation of our American heritage will enable us to discipline ourselves for the hard decisions, the responsible judgments, the dedication, and the sacrifices which will have to be made to insure the continued existence of our nation and the perpetuation of freedom itself."

Bar to Study Code On Rights at Law

Chicago Sun-Times News Service

CHICAGO, Feb. 14 — The missile industry strikes and American Bar Association taxation are among the key board of governors, meeting issues to be considered here, has unanimously approved a recommendation for a pilot study on a uniform National-wide code to protect the rights of those accused of crimes.

Such a study was requested jointly by the ABA's section of judicial administration and section of criminal law.

Board members also authorized the sections to apply for a \$25,000 grant from the ABA endowment for the study, which will define areas in which standards should be set and assemble existing research data in the criminal law field.

Areas to be explored in the study include the role of prosecutors, police questioning, bail, representation of indigent or unpopular defendants, publicity of proceedings, uniformity of sentencing, probation, detention facilities and social services in the court.

Recent U.S. Supreme Court decisions extending the right of counsel to indigent defendants and access to appeal procedures make a pilot study by the ABA timely, the section observed. The study is to be completed in advance of the ABA's annual meeting in New York in August.

A meeting of the board of governors yesterday opened the ABA's 26th midyear meeting.

The presidential succession, under active consideration.

Tolson ☒
Belmont ☒
Mohr ☒
Casper ☒
Callahan ☒
Conrad ☒
DeLoach ☒
Evans ☒
Gale ☒
Rosen ☒
Sullivan ☒
Tavel ☒
Trotter ☒
Tele Room ☒
Holmes ☒
Gandy ☒

The Washington Post and Times Herald ☒ A-2
The Washington Daily News ☒
The Evening Star ☒
New York Herald Tribune ☒
New York Journal-American ☒
New York Mirror ☒
New York Daily News ☒
New York Post ☒
The New York Times ☒
The Worker ☒
The New Leader ☒
The Wall Street Journal ☒
The National Observer ☒
People's World ☒
Date ☒

REC 41

EX-103

FEB 25 1964

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

FEB 15 1964

TELETYPE

FBI WASH DC

FBI CHICAGO

601AM CST DEFERRED 2-15-64 DLM

TO DIRECTOR

ATTN: ASSISTANT DIRECTOR JAMES H. GALE

FROM: INSPECTOR H. L. EDWARDS

AMERICAN BAR ASSOCIATION, MID DASH YEAR MEETING,
CHICAGO, ILLINOIS, FEB. TWELVE DASH NINETEEN.

THIS SUMMARIZES PERTINENT INFO CONCERNING ACTIVITIES
DURING SESSIONS FRIDAY FEB. FOURTEEN, LAST.

THE STANDING COMMITTEE ON EDUCATION AGAINST COMMUNISM
MET ALL DAY. CONSIDERABLE DISCUSSION WAS DEVOTED TO THE
CURRENT STATUS OF REVISING THE PROVISIONAL DRAFT OF THE
TEACHER TRAINING SYLLABUS. A COPY OF THE CURRENT SECOND
DRAFT OF THIS SYLLABUS HAS BEEN MADE AVAILABLE FOR THE
BUREAU'S REVIEW.

THE COMMITTEE IS UNANIMOUS IN EXPRESSING GREAT CONCERN
OVER THE INCREASING THREAT OF COMMUNISM AND THE INCREASING
SIGNS OF APATHY THROUGHOUT THE COUNTRY CONCERNING THE COMMUNIST
THREAT.

Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

FBI
RECEIVED
H. L. Edwards
RW Smith
J. E. London
Moby

REC-23

FEB 26 1964

79 FEB 26 1964

MR. MOHR FOR THE DIRECTOR

PAGE TWO

INFO WAS GIVEN THE COMMITTEE BY ONE OF ITS STAFF EXPERTS WHICH INDICATED THERE IS CONSIDERABLE EVIDENCE JUSTIFYING A CONCLUSION THAT THERE IS MORE PESSIMISM CONCERNING THE SUCCESS OF THIS COUNTRY IN THE COLD WAR TODAY THAN EVER BEFORE. THESE FACTORS CONVINCED THE COMMITTEE THAT THE NEED IS GREATER THAN EVER TO PRESS THE COMMITTEE'S PROGRAM FOR EDUCATION IN THE CONTRAST BETWEEN COMMUNISM AND DEMOCRACY, FOR A CONTINUING EMPHASIS ON THE COMMITTEE'S PROGRAM OF ANTI HYPHEN COMMUNISM SEMINARS AT THE LOCAL STATE AND COUNTY BAR ASSOCIATION LEVELS AND FOR ALL LAWYERS TO EDUCATE THEMSELVES AND PROVIDE LEADERSHIP IN EDUCATING OTHERS AS TO THE COMMUNIST THREAT.

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IN CONSIDERING A SUGGESTION BY COMMITTEE MEMBER [REDACTED]

[REDACTED] CURRENTLY PRESIDENT OF THE PENNSYLVANIA BAR ASSOCIATION, TO THE EFFECT THAT THE COMMITTEE SHOULD SPONSOR A MEETING OF STATE BAR PRESIDENTS FROM ALL STATES IN ORDER TO INTENSIFY AND EXHILARATE THE MOVE TO ACTIVATE LOCAL BAR ASSOCIATIONS IN ANTI HYPHEN COMMUNIST WORK, L. B. NICHOLS

PAGE THREE

ANNOUNCED THAT HE HAS NOW TAKEN OVER THE POSITION OF HEAD OF THE J. EDGAR HOOVER LIBRARY AT FREEDOMS FOUNDATION AT VALLEY FORGE. NICHOLS SAID HE UNDERTOOK THIS BECAUSE HE BELIEVED THE LIBRARY PROJECT WAS NOT DEVELOPING AS RAPIDLY AS IT SHOULD. NICHOLS PROPOSED THAT VALLEY FORGE WOULD BE AN IDEAL PLACE TO HOLD THIS PROPOSED PROGRAM FOR STATE BAR PRESIDENTS AND HE SAID HE FELT SUCH NATIONAL FIGURES AS PRESIDENT EISENHOWER, CHIEF OF STAFF GENERAL MAXWELL TAYLOR, AND OTHERS WOULD BE MORE THAN WILLING TO PARTICIPATE IN THE PROGRAM.

ALTHOUGH HE DID NOT SPECIFICALLY INCLUDE THE DIRECTOR IN THESE SUGGESTED NAMES, IT IS OBVIOUS HE ALSO HAD THE DIRECTOR IN MIND AND CERTAINLY THE DIRECTOR WOULD BE ONE OF THE FIRST THE COMMITTEE WOULD LIKE TO SEE ATTEND AS A MAJOR PARTICIPANT, ASSUMING HIS COMMITMENTS WOULD PERMIT.

I can't understand how it could be obvious since he didn't mention me. H

THE COMMITTEE REACHED NO FINAL DECISION ON SUCH A MEETING BECAUSE IT HAS TO FIRST CONSULT WITH THE HEAD OF THE ASSOCIATION OF STATE BAR PRESIDENTS CONCERNING THEIR COMMITMENTS AND THE FEASIBILITY OF SETTING A DATE ACCEPTABLE TO ALL.

PAGE FOUR

THE COMMITTEE HAS SCHEDULED MEETINGS ALL DAY SATURDAY AND SUNDAY WHICH WILL BE COVERED.

THE AMERICAN BAR ASSOCIATION BOARD OF GOVERNORS FORMALLY AUTHORIZED A PILOT STUDY IN THE FIELD OF THE ADMINISTRATION OF CRIMINAL JUSTICE WITH THE OBJECTIVE OF RECOMMENDING A CODE OF MINIMUM STANDARDS IN SUCH AREAS AS POLICE INTERROGATION, BAIL, THE ROLE OF PROSECUTORS, REPRESENTATION OF INDIGENT OR UNPOPULAR DEFENDANTS, DISCOVERY, PUBLICITY OF PROCEEDINGS, UNIFORMITY IN SENTENCING, PROBATION, DETENTION FACILITIES, AND SOCIAL SERVICE IN THE COURTS. THIS RESULTED FROM A JOINT RECOMMENDATION OF THE AMERICAN BAR ASSOCIATION SECTIONS ON JUCIAIAL ADMINISTRATION AND CRIMINAL LAW. THIS IS ONE OF THE FIRST STEPS IN IMPLEMENTING PRESIDENT HYPHEN ELECT LEWIS POWELL'S EXPRESSED DESIRE TO PLACE MAJOR EMPHASIS DURING HIS PRESIDENCY ON STRENGTHENING AND IMPROVING THE ADMINISTRATION OF CRIMINAL JUSTICE.

SUBSEQUENT SUMMARIES WILL BE SUBMITTED AS MEETING PROGRESSES.

END

WA NHH

FBI WASH DC

X

cc. Mr. Gale

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. W. C. Sullivan

DATE: February 11, 1964

FROM : Mr. F. J. Baumgardner

SUBJECT: AMERICAN BAR ASSOCIATION
 MIDTERM MEETING
 CHICAGO, ILLINOIS
 FEBRUARY 13, 1964

Tolson ☒
 Belmont ☒
 Mohr ☐
 Casper ☐
 Callahan ☐
 Conrad ☐
 DeLoach ☒
 Evans ☒
 Gale ☐
 Rosen ☐
 Sullivan ☐
 Tavel ☐
 Trotter ☐
 Tele. Room ☐
 Holmes ☐
 Gandy ☐

At the request of Inspector H. L. Edwards, there is attached certain material for Mr. Edwards' use at meetings of the Special Committee on Communist Tactics, Strategy and Objectives of the American Bar Association (ABA) during the ABA midterm meetings, which are scheduled to begin in Chicago, February 13, 1964.

The attached material covers (1) security legislation introduced during the 88th Session of Congress in which the Bureau has an interest; (2) security legislation which is included in the Bureau's legislative program; and (3) public source data relating to prosecutive and administrative action taken to date by the Department under the various provisions of the Internal Security Act of 1950.

RECOMMENDATION:

That this memorandum and the attachments be routed to Inspector H. L. Edwards.

Enc.

- 1 - Mr. Belmont
- 1 - Mr. H. L. Edwards
- 1 - Mr. Sullivan
- 1 - Mr. Baumgardner
- 1 - Mr. Huelskamp
- 1 - Mr. Reddy

EBR:bgc
 (7)

ENCLOSURE
 ENCL. BEHIND FILE

82 MAR 2 1964

OBEX-115

REC 29

ENCLOS

FEB 24 1964

94-1-369-1888

Wed.

70704

UNITED STATES GOVERNMENT

Memorandum

Tolson _____
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Casper _____
Callahan _____
Conrad _____
DeLoach _____
Evans _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

TO : Mr. W. C. Sullivan *WCS*

DATE: February 12, 1964

FROM : Mr. R. W. Smith *RWS*

1-Mr. Belmont 1-Mr. Gale
1-Mr. Sullivan
1-Mr. Mohr

1-Mr. DeLoach
1-Mr. H.L. Edwards
1-Mr. R.W. Smith
1-Section
1-Mr. J. F. Condon

SUBJECT: AMERICA'S LAWYER LEADERS CONSIDER
LENIN, PAVLOV AND THE RULE OF LAW
RESEARCH-SATELLITE MATTER

R. W. Smith

By letter dated January 30, 1964, Inspector H. L. Edwards received the enclosed draft of a proposed symposium to be distributed by the American Bar Association (ABA). It includes reprints of speeches delivered by several experts on communism including your speech, "Communism and the Intellectual," before the Harvard Student Bar Association in March, 1963, which has been previously approved by the Bureau for use in this symposium. There is also a listing of the speakers at seminars on communism sponsored by the ABA and a bibliography on communism. This proposed symposium has been reviewed by the Research-Satellite Section.

The majority of the speeches stress the need for educating Americans regarding the threat of communism. The quotations from the Director which appear on page 11 of your speech and on page 6 of the speech of Sylvester C. Smith, Jr., are accurate. The quotation from the Director which appears on page 6 of the speech of John C. Satterfield should read:

"Too often I have seen cases where loyal and patriotic but misguided Americans have thought they were 'fighting communism' by slapping the label of 'Red' or 'communist' on anybody who happened to be different from them or to have ideas with which they did not agree.

"Smears, character assassination, and the scattering of irresponsible charges have no place in this nation. They create division, suspicion, and distrust among loyal Americans--just what the communists want--and hinder rather than aid the fight against communism."

Your biographic sketch which appears on page vi of the preface describes you as holding a Bachelor of Education degree. This should be changed to read Master of Education.

Since the letter transmitting this symposium solicits additional quotations regarding the need for greater understanding of communism, it is believed that the following excerpt from the Director's book, A Study of Communism, is appropriate:

Enclosures - Encl. *WCS*
JFC:cr:mtb
(10) *WCS*
5 MAR 5 1964

REC-16 94-1-369-1889
FEB 27 1964

Memorandum to Mr. Sullivan
Re: America's Lawyer Leaders Consider
Lenin, Pavlov and the Rule of Law
Research-Satellite Matter

"...the citizen in any free society has a vital role in combatting communism. Moreover, it is a demanding role. It demands wisdom and understanding of the Communist forces which would destroy us. The citizen must inform himself about the real nature of communism in order to develop a greater understanding of what it is, what it is not, how it operates, what its goals are, and why people are attracted to it. Such factual knowledge of communism will enable the citizen to comprehend the true nature of the Communist conspiracy and thus be alerted to prevent it from making further inroads into our society through internal subversion." (pgs 185-186)

b6
b7C

It is noted that the bibliography, Appendix C, includes the Director's book, Masters of Deceit, but not A Study of Communism. It is believed that the latter should also be incorporated.

The name "Thomas Merten" which appears on pages 12 and 14 of your speech should be correctly spelled "Merton."

RECOMMENDATION:

For your information and handling.

DEM
wed
Led to
2/24/64
H. H. Hall

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

FEB 16 1964

TELETYPE

FBI WASH DC

FBI CHHCAGO

7:05 PM CST DEFERRED 2/16/64 RAM

TO DIRECTOR

ATTN: ASSISTANT DIRECTOR JAMES H. GALE
FROM INSPECTOR H. L. EDWARDS

AMERICAN BAR ASSOCIATION, MID DASH YEAR MEETING, CHICAGO,
ILLINOIS, FEBRUARY TWELVE DASH NINETEEN.

THIS SUMMARIZES PERTINENT INFO CONCERNING ACTIVITIES OF
THE STANDING COMMITTEE ON EDUCATION AGAINST COMMUNISM DURING
ITS SATURDAY AND SUNDAY SESSIONS, FEBRUARY FIFTEEN DASH SIXTEEN.

A CONSIDERABLE DISCUSSION WAS GIVEN TO WAYS AND MEANS
OF IMPLEMENTING MEETING OF STATE BAR PRESIDENTS AT VALLEY
FORGE IN ORDER TO SELL THEM ON THE DESIRABILITY OF FORMING
STATE BAR GROUPS ON THE EDUCATION AGAINST COMMUNISM. BARRING
LATER DIFFICULTIES IN PLANNING, MEETING MAY TAKE PLACE IN
FIRST PART OF AUGUST, SIXTYFOUR, AS AN ADJUNCT TO AMERICAN
BAR ASSOCIATION NATIONAL CONVENTION WHICH IS TO BE HELD IN
NEW YORK CITY AT THAT TIME.

STANDING COMMITTEE AGREED THAT IT MUST CONTINUE AND
EXPAND ITS MOST IMPORTANT WORK IN PUSHING FOR EDUCATION IN
THE SCHOOLS CONCERNING EVILS OF COMMUNISM, SPONSORING AND
CREATING SCHOLARLY WORKS EXPOSING THE FALSITY OF COMMUNISM,

MR. MOHR FOR THE DIRECTOR

Mr. Tolson
Mr. DeLoach
Tele. Room
Miss Holmes
Miss Gandy

FEB 28 1964

TEAN

PAGE TWO

AND IN CONVINCING LAWYERS TO TAKE LEADERSHIP ROLES IN THE FIGHT AGAINST COMMUNISM.

THE DIRECTOR'S ARTICLE ~~QUOTE~~ 'THE U.S. BUSINESSMAN FACES THE SOVIET SPY' ~~UNQUOTE~~ PUBLISHED IN JANUARY DASH FEBRUARY SIXTYFOUR, ~~QUOTE~~ 'HARVARD BUSINESS REVIEW' ~~UNQUOTE~~, WAS UNANIMOUSLY ACCLAIMED BY THE COMMITTEE WHICH VOTED TO PURCHASE FIVE THOUSAND REPRINTS FROM ~~QUOTE~~ 'HARVARD BUSINESS REVIEW' ~~UNQUOTE~~ FOR USE IN COMMITTEE'S EDUCATIONAL PROGRAM. TO DEMONSTRATE COMMITTEE'S BELIEF IN THE VALUE OF THE DIRECTOR'S ARTICLE, A SPONTANEOUS DECISION WAS REACHED TO IMMEDIATELY ORDER FOUR HUNDRED COPIES OF THE REPRINT FOR DISTRIBUTION TO MEMBERS OF THE AMERICAN BAR ASSOCIATION HOUSE OF DELEGATES WHICH MEETS FEBRUARY SEVENTEEN AND EIGHTEEN NEXT. THIS ACTION WAS PROPOSED BY COMMITTEE MEMBER EGBERT HAYWOOD OF DURHAM, NORTH CAROLINA, WHO IS AN ARDENT ADMIRER OF THE DIRECTOR AND A CLOSE FRIEND OF GOVERNOR TERRY SANFORD.

COMMITTEE MEMBER RAYMOND W. MILLER, ALSO A VISITING LECTURER AT THE HARVARD BUSINESS SCHOOL, ADVISED COMMITTEE

PAGE THREE

THAT THE EDITOR OF THE ~~QUOTE~~"HARVARD BUSINESS REVIEW"~~UNQUOTE~~
TOLD HIM THAT THE DIRECTOR'S ARTICLE HAD GENERATED MORE
LETTERS TO THE EDITOR DASH ALL FAVORABLE DASH THAN ANY OTHER
PREVIOUS ARTICLE IN THE ~~QUOTE~~"HARVARD BUSINESS REVIEW"~~UNQUOTE~~.

NUMEROUS OTHER MATTERS NOT PERTINENT TO THIS SUMMARY
WERE COVERED AT THE SATURDAY AND SUNDAY COMMITTEE MEETINGS. ONE
PERTINENT ITEM, HOWEVER, WAS THE FACT THAT THE COMMITTEE
UNANIMOUSLY FELT THAT THE INCREASING SIGNS OF APATHY OVER THE
DOMESTIC THREAT TO INTERNAL SECURITY POSED BY COMMUNISM
MAKE IT MOST ESSENTIAL THAT THE COMMITTEE BRING ITSELF UP TO
DATE ON THE OVERALL INTERNAL SECURITY PICTURE AND PARTICULARLY
THE STATUS OF AND NEED FOR ANY CORRECTIVE OR STRENGTHENING
LEGISLATION IN THE INTERNAL SECURITY FIELD. FURTHER, THAT THE
COMMITTEE ARRANGE THROUGH A SUBCOMMITTEE REPORTING DIRECTLY TO
CHAIRMAN LEIBMAN TO KEEP HIM ADVISED OF ANY NEED FOR ACTION IN
THIS AREA SO THAT HE WOULD BE ABLE TO DECIDE FEASIBLE WAYS AND MEANS
WHEREBY THE COMMITTEE COULD ACT WITHOUT JEOPARDIZING OR IN ANY
WAY INTERFERING WITH THE BUREAU'S EXCELLENT AND DELICATE WORK IN

PAGE FOUR

THIS FIELD. CHAIRMAN LEIBMAN HAS COMPLETE CONFIDENCE IN THE DIRECTOR
AND THE BUREAU AND WOULD PERMIT ACTION IN THIS ~~AREA ONLY IF IT MET~~
COMPLETELY WITH THE BUREAU'S APPROVAL AND WAS DESIGNED TO AID OUR
OPERATIONS.

AIRTEL SUMMARIZING HIGHLIGHTS OF CRIMINAL LAW SECTION
COMMITTEE MEETING SUBMITTED SEPARATELY.

~~CORRECTIONS: PAGE 1 LINE 4 WRD 5 SHLD BE "EDUCATION"~~

~~PAGE 1 LINE 15 LAST WRD SHLD BE "IN"~~

~~WA DID LINE 3XXX 2 PAGE FOUR GARBLE YES NEED LAST LINEXXX FEW WORDS
FROM PERMIT ACTION TO END OF LINE PLS OK
ACTION IN THIS AREA ONLY IF IT MET ETC.~~

END

WA...MAD

FBI WASH DC

HOLSD

cc: Mr. Gale

FBI WASH DC

COMMUNICATIONS SECTION

FEB 12 1964

TELETYPE

Handwritten signatures and initials at top right.

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

Handwritten initials "HL" and "E" at bottom right of routing slip.

cup,
FBI CHICAGO

7:35 PM CST DEFERRED 2-18-64 AAA

TO: DIRECTOR

ATTN: ASSISTANT DIRECTOR JAMES H. GALE

FROM: INSPECTOR H.@L. EDWARDS

AMERICAN BAR ASSOCIATION, MID DASH YEAR MEETING, CHICAGO,
ILLINOIS, FEBRUARY TWELVE DASH NINETEEN.

REFERENCE MADE TO PRIOR SUMMARIES CONCERNING CAPTIONED
MATTER.

AT TODAY'S SESSION OF HOUSE OF DELEGATES IT WAS ANNOUNCED
THAT EDWARD W. KUHN OF MEMPHIS, TENN., WAS NOMINATED AS THE
PRESIDENT ELECT OF ABA. ELECTION TO BE HELD AT NATIONAL
CONVENTION IN AUG. SIXTYFOUR. SINCE NOMINATION TANTAMOUNT
TO ELECTION AND SINCE KUHN IS WELL KNOWN TO EDWARDS AND HAS
BEEN MOST FAVORABLE TO AND COOPERATIVE WITH BUREAU, SUGGEST
CONGRATULATORY LETTER OVER DIRECTOR'S SIGNATURE BE SENT TO
KUHN AT BOX ONE TWO THREE, MEMPHIS ONE, TENN. IF APPROVED,
CRIME RECORDS TO HANDLE.

Handwritten "4W" to the right of the paragraph.

FOR BUREAU'S INFO, ONE OF THE THREE UNSUCCESSFUL
CANDIDATES FOR PRESIDENT ELECT WAS CHICAGO ATTORNEY [REDACTED]

[REDACTED] WHO IS SENIOR TRAIL LAWYER FOR THE WARREN
COMMISSION. [REDACTED] HAS AN EXCELLENT REPUTATION AMONG MEMBERS

MR. MOHR FOR THE DIRECTOR

Handwritten "EX 104" and "11 MAR 2 1964" above the stamp.
SCL
Mailing List
2-25-64
Change Noted

PAGE TWO

OF ABA BUT MANY INFORMAL OPINIONS INDICATED HE WAS NOT SUFFICIENTLY KNOWN TO COMMAND THE NECESSARY MAJORITY VOTE.

THE CRIMINAL LAW SECTION REPORT TO THE HOUSE OF DELEGATES WAS PRESENTED BY JIM BENNETT, SECTION DELEGATE. BENNETT MERELY MENTIONED IN HIS ORAL REMARKS THAT SENATOR MAGNUSON OF WASH. STATE HAD REQUESTED THE CRIMINAL LAW SECTION TO DRAFT MODEL FIREARMS CONTROL LEGISLATION APPROPRIATE FOR THE INDIVIDUAL STATES AND THE FEDERAL GOVT, BUT SINCE, AS REPORTED IN YESTERDAY'S TELETYPE, ABA PRESIDENT CRAIG HAD TOLD BENNETT HE DID NOT FAVOR SUCH LEGISLATION, BENNETT DID NOT PRESENT ANY FORMAL REPORT OR RECOMMENDATION FOR HOUSE OF DELEGATES ACTION.

IN OTHER ACTION PERTAINING TO FEDERAL JUDICIAL APPOINTMENTS, THE HOUSE OF DELEGATES APPROVED A RESOLUTION DIRECTING THE ABA PRESIDENT TO SEEK A COMMITMENT FROM ASPIRANTS TO THE OFFICE OF PRESIDENT OF THE U.S. THAT IF ELECTED THEY WILL NOT MAKE JUDICIAL APPOINTMENTS WITHOUT FIRST CONSIDERING THE RECOMMENDATIONS OF THE FEDERAL JUDICIAL SECTION OF THE ABA.

PAGE THREE

IT WILL BE RECALLED THAT THE ABA HAS BEEN STRONGLY
OPPOSING A JUDICIAL APPOINTMENT OF DAVID RABINOVITZ OF WISC.
TO THE FEDERAL DISTRICT COURT IN WISC., AWAITING SENATE
CONFIRMATION CONSIDERATION. THE OPPOSITION IS BASED ON
THE CONTENTION RABINOVITZ IS NOT QUALIFIED.

BUREAU REPRESENTATIVES WILL WIND UP REMAINING RESPONSIBILITIES
OF MEETING WED., FEB. NINETEEN, NEXT, AND
DEPART FOR WASH. IN THE AFTERNOON. HUELSKAMP DEPARTING
TWO THIRTY P.M. UAL FLIGHT ONE FOUR ZERO ARRIVING FRIENDSHIP
AIRPORT FIVE P.M. EDWARDS DEPARTING THREE P.M. VIA AMERICAN
AIRLINES FLIGHT THREE FIVE SIX ARRIVING WASH NATL AIRPORT
FIVE FIFTYEIGHT P.M.

END

WA....WW

FBI WASH DC

TU

Filed in
Comm. Sect
By: [Signature]

cc [Signature]

February 25, 1964

Honorable Edward W. Kuhn
Post Office Box 128
Memphis 1, Tennessee

Dear Mr. Kuhn:

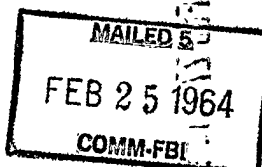
I want to take this opportunity to join your many friends in extending heartiest congratulations on the occasion of your nomination as President-elect of the American Bar Association.

This honor is certainly a tribute to your ability and demonstrative of the esteem in which you are held by your colleagues. My associates and I are grateful for the cooperation which you have consistently afforded this Bureau and wish you every success in the future.

Sincerely yours,

J. Edgar Hoover

FEB 25 1 44 PM '64
REC'D-READING ROOM
FBI



NOTE: Bufiles contain nothing derogatory with Mr. Kuhn and no correspondence with him. He toured Bureau with a group of Board of Governors of the American Bar Association and met the Director in 1962. He is on the Special Correspondents' List.

DFC:lch (3)

Tolson _____
Belmont _____
Mohr _____
Casper _____
Callahan _____
Conrad _____
DeLoach _____
Evans _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Hines _____
Gandy _____

MAIL ROOM ☐ TELETYPE UNIT ☐

EX-104

REC-1

44-367-1892

FEB 25 1964

FEB 25 1964

Handwritten signature

Handwritten initials

Tolson _____
 Belmont _____
 Mohr _____
 Casper _____
 Callahan _____
 Conrad _____
 DeLoach _____
 Evans _____
 Gale _____
 Rosen _____
 Sullivan _____
 Tavel _____
 Trotter _____
 Tele Room _____
 Holmes _____
 Gandy _____

Bar Association Elects Kuhn A 2

CHICAGO, Feb. 18 (UPI)—Edward W. Kuhn of Memphis was named president-elect of the American Bar Association today.

Kuhn was nominated at a caucus of the state delegates attending the Association's 26th midyear meeting. After 18 months as president-elect, he will become president.

Lewis F. Powell Jr. of Richmond, Va., now serving as president-elect, will become president of the ABA in August, 1965, succeeding the current president, Walter Craig of Phoenix, Ariz.

Kuhn, 58, is a native of Memphis and has practiced law there since 1934. He served for seven years as Assistant City Attorney of Memphis and four years as Assistant District Attorney General.

The Washington Post and Times Herald A-2
 The Washington Daily News _____
 The Evening Star _____
 New York Herald Tribune _____
 New York Journal-American _____
 New York Mirror _____
 New York Daily News _____
 New York Post _____
 The New York Times _____
 The Worker _____
 The New Leader _____
 The Wall Street Journal _____
 The National Observer _____
 People's World _____
 Date _____

94-1-369-1892

FEB 9 1964

ENCLOSURE

1 copy to Lifer
 1/1/64
 2/1/64
 2/1/64

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

FEB 18 1964

TELETYPE

FBI WASH DC

FBI CHICAGO

118AM CST DEFERRED 2-18-64 DLM

TO DIRECTOR ATTN: ASSISTANT DIRECTOR JAMES H. GALE
FROM CHICAGO 9-P

AMERICAN BAR ASSOCIATION, MID DASH YEAR MEETING, CHICAGO,
ILLINOIS, FEB. TWELVE DASH NINETEEN.

YESTERDAY EDWARDS TALKED WITH GLENN WINTERS, EXECUTIVE
DIRECTOR OF THE AMERICAN JUDICATURE SOCIETY. HE REMARKED
HE HAD HEARD A BUREAU OFFICIAL SPEAK SOMETIME AGO IN FLORIDA
BEFORE THE NATIONAL COUNCIL OF JUVENILE COURT JUDGES. ALTHOUGH
THE SPEECH WAS EXCELLENT, WINTERS SAID THERE OBVIOUSLY IS
SOME LACK OF UNDERSTANDING AND AGREEMENT BETWEEN THE FBI AND
THE JUVENILE COURT JUDGES. WINTERS THEN REFERRED TO A LETTER
TO THE EDITOR IN THE CURRENT FEB. SIXTYFOUR AMERICAN BAR
ASSOCIATION JOURNAL WHEREIN JOSEPH B. FELTON OF OREGON, WHO
IS PRESIDENT OF THE NATIONAL COUNCIL OF JUVENILE COURT JUDGES,
REFERRED TO AN EDITORIAL REPRINT IN THE JUNE, SIXTYTHREE
ISSUE OF THE AMERICAN BAR ASSOCIATION JOURNAL QUOTING THE
DIRECTOR AS CALLING ATTENTION TO THE RISE IN THE JUVENILE
CRIME RATE. FELTON SUGGESTED IT WOULD BE APPROPRIATE TO

Mr. Tolson	
Mr. DeLoach	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

5 9 MAR 12 1964 XEROX 1964

MR. MOHR FOR THE DIRECTOR

94-1-367-1893
MAR 4 1964

PAGE TWO

HAVE ~~QUOTE~~ // SOMETHING PRESENTING THE OTHER SIDE OF THE COIN¹
~~UNQUOTE~~ AND HE SUGGESTED REPRINTING AN OCT. FIFTYSEVEN
EDITORIAL FROM THE AMERICAN JUDICATURE SOCIETY JOURNAL
ENTITLED ~~QUOTE~~ // WHO'S MOLLYCODDLING THEM QUESTIONMARK¹ ~~UNQUOTE~~.

WINTERS SAID THAT THIS EDITORIAL IS ONE WHICH HE HIMSELF WROTE
AND THE POINT HE TRIED TO MAKE WAS THAT ONE OF THE REAL
ROOTS OF JUVENILE DELINQUENCY CONSISTS IN PARENTAL MOLLY ~~HYPHEN~~
CODDLING OF YOUNG CRIMINALS. WINTERS ADVOCATED GREATER USE
OF SOME OF THE OLD TIME PARENTAL STERN DISCIPLINARY MEASURES
SUCH AS THE WOODSHED, WHIPPING, AND THE JUDICIAL USE OF
THE RAZOR STROP. WINTERS SAID HE WANTED TO ASSURE EDWARDS
THAT IN THE INTERIM SINCE FIFTYSEVEN, WHEN THIS EDITORIAL
WAS WRITTEN, HE ^hWAS ACQUIRED A GREATER UNDERSTANDING OF THE
PROBLEM AND HE FULLY AGREES WITH THE DIRECTOR THAT THERE
ARE CERTAINLY CASES OF YOUTHFUL CRIMINALS WHICH DESERVE
TREATMENT AS ADVOCATED BY THE DIRECTOR AND FURTHER THAT
HE HAS COME TO LEARN THAT THE DIRECTOR IS NOT AGAINST THE
CONCEPT OF THE JUVENILE COURT OR SUCH MATTERS AS PROBATION

2

PAGE THREE

AND PAROLE BUT HE IS AGAINST SENSELESS ABUSES AND OVERLY SOFT TREATMENT.

EDWARDS FULLY BRIEFED WINTERS ON THE BACKGROUND OF THE TOTALLY INACCURATE AND UNJUSTIFIED ATTACK MADE BY THE ADVISORY COUNCIL OF JUVENILE COURT JUDGES IN FIFTYEIGHT AFTER THE DIRECTOR SPOKE AT THE AMERICAN BAR ASSOCIATION MEETING IN LOS ANGELES. WINTERS WAS TOLD THAT AS LONG AS THESE JUDGES DO NOT HAVE INTEGRITY OR INTESTINAL FORTITUDE TO ADMIT THEIR RESOLUTION WAS INACCURATE AND UNJUSTIFIED AND NOT UNANIMOUS AS THEY HAD REPRESENTED IT TO BE, THERE WOULD CERTAINLY BE NO JUSTIFICATION FOR THE DIRECTOR FEELING THAT ANY BETTER UNDERSTANDING COULD BE ACCOMPLISHED TODAY WITH THIS GROUP. WINTERS WAS FURTHER TOLD THAT TOO MANY OF THE JUVENILE COURT JUDGES KEEP THEM SELVES IN UNTOUCHABLE IVORY TOWERS AND LOOK DOWN THEIR NOSES AT LAW ENFORCEMENT, THE SPIRALLING YOUTHFUL CRIME RATE AND ARE UNWILLING TO EVEN ADMIT THAT THERE ARE TWO SIDES TO THE PROBLEM. WINTERS WAS

PAGE FOUR

TOLD THAT THE DIRECTOR HAS GONE OUT OF HIS WAY TO PRESENT THE ALARMING PICTURE OF THE CONSTANTLY RISING CRIME RATE AND HAS SUGGESTED NUMEROUS SPECIFIC CAUSES AND MANY MEASURES TO HELP CORRECT THE SITUATION. ON THE OTHER HAND, THE MAJORITY OF THE NATIONAL COUNCIL OF JUVENILE COURT JUDGES HAVE REMAINED COMPLACENT, HAVE CLOUDED THE ISSUE BY FALSELY ACCUSING THE DIRECTOR OF ADVOCATING AN IRON FIST POLICY AND HAVE DEMONSTRATED A STUBBORNNESS WHICH PREVENTS ANY NEGOTIATING WITH THEM TO EFFECTUATE A SOLUTION. WINTERS WAS TOLD THAT THERE HAVE BEEN A FEW JUVENILE COURT JUDGES WHO TAKE A REALISTIC, PRACTICAL VIEWPOINT BUT THEY HAVE BEEN LIKE VOICES IN THE WILDERNESS SO FAR AS THE MAJORITY IS CONCERNED. WINTERS WAS TOLD THAT FOR THE PAST COUPLE OF YEARS THE DIRECTOR HAS EMPHASIZED THERE SHOULD BE A DISTINCTION BETWEEN THE JUVENILE TYPE OF OFFENSE AND YOUTHFUL CRIMINALITY, BUT MOST OF THESE JUDGES STILL REMAIN ARBITRARILY STUBBORN AND BLIND TO SUCH DISTINCTION.

4/

PAGE FIVE

WINTERS STATED THAT HE HAS BEEN DOING MUCH WORK WITH THE JUVENILE COURT JUDGES AND ALTHOUGH HE IS CONVINCED OF THE BASIC SOUNDNESS OF THE JUVENILE COURT CONCEPT, AT THE SAME TIME HE FULLY APPRECIATES THE WISDOM OF THE DIRECTOR'S VIEWPOINT. HE SAID THAT HE BELIEVES THE JUVENILE COURT JUDGES SHOULD BE WILLING TO YIELD ON A FEW BASIC POINTS WHICH THE DIRECTOR ADVOCATES BUT INSTEAD MOST OF THESE JUDGES HAVE BEEN BICKERING ABOUT NONESSENTIALS. WINTERS SAID HE REALIZES THAT THERE IS A HANDFUL OF HARDHEADS AMONG THESE JUDGES WHO WILL PROBABLY NEVER CHANGE THEIR WAYS BUT HE FEEL THERE ARE MANY FORWARD THINKING AND REALISTIC JUVENILE COURT JUDGES IN THE COUNTRY TODAY WHO COULD BE PERSUADED TO USE THEIR INFLUENCE IN TRYING A FEW OF THE THINGS THE DIRECTOR ADVOCATES TO ENDEAVOR TO IMPROVE THE SITUATION. ACCORDINGLY, HE ASKED EDWARDS IF IT WOULD BE POSSIBLE FOR HIM TO RECEIVE A COPY OF THE TEXT OF THE DIRECTOR'S LOS ANGELES SPEECH, A COPY OF THE RESOLUTION, AND ANY OTHER MATERIAL

PAGE SIX

APPROPRIATE TO GIVE HIM THE PERTINENT BACKGROUND OF THIS PROBLEM AND THE HIGHLIGHTS OF THE DIRECTOR'S VIEWS. EDWARDS TOLD WINTERS HE DOUBTED THIS WOULD BE SUCCESSFUL BECAUSE OF OUR PAST EXPERIENCE, BUT THIS PROBLEM IS SO SERIOUS THAT WE WOULD BE WILLING TO GO HALFWAY ANY TIME. WINTERS IS A VERY SOLID INDIVIDUAL, WIELDS CONSIDERABLE INFLUENCE WITH THE JUDGES, AND SINCE HE HAS EXPRESSED CONCERN AND A WILLINGNESS TO HELP, IT IS FELT WE HAVE NOTHING TO LOSE BY GIVING HIM THE OPPORTUNITY. IT IS SUGGESTED THAT APPROPRIATE MATERIAL BE PREPARED FOR INFORMAL TRANSMITTAL BY EDWARDS TO WINTERS TOGETHER WITH ANY SPECIFIC SUGGESTIONS BELIEVED DESIRABLE.

THIS MORNING BEFORE THE CONVENING OF THE HOUSE OF DELEGATES, ~~JIM BENNETT~~ TOLD EDWARDS THAT THE CRIMINAL LAW SECTION COMMITTEE REPORT ON THE PROPOSED REVISIONS TO THE RULES OF CRIMINAL PROCEDURE WAS NOT ELIGIBLE FOR SUBMISSION TO THE HOUSE OF DELEGATES BECAUSE IT WAS NOT A REPORT APPROVED BY THE SECTION AND DID NOT MAKE ANY RECOMMENDATIONS. THIS IS

PAGE SEVEN

THE REPORT WHICH WAS REFERRED TO IN THE AIRTEL SUMMARY OF
FEB. SIXTEEN LAST AND THE ONE WHOSE SUBMISSION TO THE HOUSE
HAD BEEN OBJECTED TO BY EDWARDS AS BEING TOO BIASED AGAINST
LAW ENFORCEMENT. BENNETT ALSO TOLD EDWARDS THAT THE AMERICAN
BAR ASSOCIATION PRESIDENT ~~WALTER CRAIG~~ HAD TOLD BENNETT THAT
HE WAS OPPOSED TO STATE FIREARMS LEGISLATION FOR ALL STATES ^T 111,
AND CONSEQUENTLY DID NOT INTEND TO FAVORABLY ACT UPON THE
CRIMINAL LAW SECTION RESOLUTION WHICH RECOMMENDED MODEL
STATE FIREARMS AND APPROPRIATE FEDERAL LEGISLATION . THE CRIMINAL
LAW SECTION REPORTS WILL NOT APPEAR ON THE HOUSE OF DELEGATES
CALENDAR UNTIL THE SESSION TUES., FEB EIGHTEEN, NEXT, SO FINAL
ACTION IS NOT KNOWN AT THIS POINT.

RECOMMENDATIONS AND REPORT OF STANDING COMMITTEE ON
JURISPRUDENCE AND LAW REFORM ACCEPTED AND APPROVED AFTER
SENATOR BIRCH BAYH OF INDIANA SPOKE IN FAVOR OF NEED FOR
LEGISLATION WITH REGARD TO A SITUATION OF PRESIDENTIAL
INABILITY TO PERFORM THE FUNCTIONS OF HIS OFFICE. THE RESOLUTION
RECOMMENDS THAT THE CONSTITUTION OF THE U. S. BE AMENDED IN

44
4/11

PAGE EIGHT

ACCORDANCE WITH PRINCIPLES SET FORTH IN THE CONSENSUS OF THE SPECIAL CONFERENCE OF AMERICAN BAR ASSOCIATION IN WASHINGTON, D. C., JAN. TWENTYONE, LAST. THE RESOLUTION IN GENERAL PROVIDES THAT POWERS AND DUTIES BUT NOT THE OFFICE SHALL DEVOLVE UPON THE VICE PRESIDENT OR PERSON NEXT IN LINE AND SETS UP SPECIFIC PROCEDURES FOR DETERMINING INABILITY AND SUCCESSION.

RESOLUTION FURTHER PROVIDES THAT VACANCY OF VICE PRESIDENT'S OFFICE SHALL BE FILLED BY PERSON NOMINATED BY PRESIDENT AND UPON APPROVAL BY MAJORITY OF CONGRESS MEETING IN JOINT SESSION.

AMERICAN BAR ASSOCIATION PRESIDENT CRAIG EMPHASIZED THE NEED FOR GREATER COOPERATION WITH INTERNATIONAL BAR ASSOCIATIONS TO AID THE FIGHT AGAINST COMMUNISM. GRAIG WAS PARTICULARLY CONCERNED ABOUT LATIN AMERICAN COUNTRIES AND FEELS EFFORTS SHOULD BE MADE TO SELECT A NUCLEUS OF STRONG ANTICOMMUNIST LAWYERS IN THESE COUNTRIES AND FROM THAT POINT ENCOURAGE THE BUILDING OF A BAR ASSOCIATION CONCEPT TO HELP STABILIZE THESE COUNTRIES AND PREVENT COMMUNIST

PAGE NINE

INFLUENCE AND REVOLUTION. HE REALIZES THIS IS A MOST DIFFICULT
AND LONG RANGE TASK BUT SAID HE IS CONVINCED OF ITS NECESSITY
AFTER VISITING SEVEN LATIN AMERICAN COUNTRIES AND CONFERRING
WITH KEY ANTICOMMUNIST LAWYERS.

LATER SUMMARIES TO BE SUBMITTED.

END

WAHFL

FBI WASH DC

P

9

CC - Mr. Hale & Mr. Edwards

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI

FROM : SAC, CHICAGO (80-355)

SUBJECT: MID-YEAR MEETING, FEBRUARY,
1964, AMERICAN BAR ASSOCIATION

DATE: 2/26/64

ATTENTION: INSPECTOR
H. LYNN EDWARDS

Enclosed herewith find one set of newspaper
clippings pertaining to the captioned meeting. Also find
three separate newspaper clippings pertaining to the same
meeting which will complete the file of Inspector EDWARDS.

EX-115

REC 4

94-1-364-1894

D MAR 3, 1964

- 2 - Bureau (Encls. 4)
1 - Chicago

JCN:bls
(3)

MAR 9 1964

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

FEB 13 1964

TELETYPE

Mr. Tolson	
Mr. Belmont	
Mr. Mohr	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. DeLoach	
Mr. Evans	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

FBI WASH DC

FBI CHICAGO

9:02 PM CST URGENT 2-13-64 AAA

TO: DIRECTOR

ATTN. ASSISTANT DIRECTOR JAMES H. GALE

FROM: INSPECTOR H. L. EDWARDS 4P

AMERICAN BAR ASSOCIATION, MID DASH YEAR MEETING,
CHICAGO, ILLINOIS, FEBRUARY TWELVE DASH NINETEEN.

LAST NIGHT AMERICAN BAR ASSOCIATION STAFF MEMBERS
CONFIDENTIALLY ADVISED BUDGET FOR CRIMINAL LAW STUDIES
AND ACTIVITIES WILL BE GREATLY INCREASED ON INSISTENCE
OF PRESIDENT HYPHEN ELECT LEWIS POWELL, JR., BECAUSE
POWELL WANTS TO PLACE MAJOR EMPHASIS DURING HIS YEAR AS
PRESIDENT WHICH BEGINS AFTER ANNUAL MEETING OF AUGUST
SIXTYFOUR ON STRENGTHENING AND IMPROVING THE ADMINISTRATION
OF CRIMINAL JUSTICE.

AMERICAN BAR ASSOCIATION CONTROLLER CONFIDENTIALLY
TOLD EDWARDS THAT POWELL THINKS THE RIGHTS OF THE INDIVIDUAL
CRIMINAL ARE BEING OVERSTRESSED AT THE SACRIFICE OF THE
RIGHTS OF SOCIETY AND THAT POWELL SAYS CONFIDENTIALLY THAT

REC 7

94-1-369-1895

12 MAR 4 1964

TEN

MAR 10 1964

MR. MOHR FOR THE DIRECTOR

CG 80-355

PAGE TWO

THIS IS J. EDGAR HOOVER'S IDEA AND THAT HE HAS BEEN PRIVILEGED TO HEAR THE DIRECTOR'S CONCERN FROM HIM IN PRIVATE CONVERSATIONS.

POWELL SAYS THE DIRECTOR IS THE GREATEST AUTHORITY TODAY IN THE NATION IN CRIMINAL JUSTICE AND THAT THE DIRECTOR HAS BEEN SOUNDING THE ALARM AND POINTING TO THE DANGER SIGNALS IN THIS FIELD JUST AS HE HAS CONSISTENTLY ALERTED APATHETIC AMERICANS TO THE CONTINUING THREAT OF COMMUNISM. POWELL FEELS IT IS HIGH TIME THE AMERICAN LAWYERS REALIZE THAT CRIMINAL LAW AND CRIME ARE MAJOR CONCERNS OF THEM WHETHER OR NOT THEY EVER PROSECUTE OR DEFEND A CRIMINAL IN THEIR LAW PRACTICE.

THE DIRECTOR WILL RECALL GRANTING POWELL AN INTERVIEW IN FALL OF SIXTYTHREE SO POWELL COULD LISTEN TO THE DIRECTOR'S VIEWS AND PHILOSOPHY ON THE SUBJECT. OF COURSE, ONE BIG STEP IN THE RIGHT DIRECTION WOULD BE TO ELININATE SUCH BLEEDING HEARTS FROM THE CRIMINAL LAW SECTION GOVERNING POSITIONS SUCH AS JIM BENNETT AND ARTHUR FREUND, BUT THEY SEEM TO HAVE A STRANGLE HOLD ON THEIR POSITIONS FOR LIFE AND THEY EVEN SEEM TO HAVE BRAINWASHED L. B. NICHOLS.

CG 80-355

PAGE THREE

EDWARDS AND HUELSKAMP MET PRIVATELY WITH MORRIS LEIBMAN, CHAIRMAN OF THE AMERICAN BAR ASSOCIATION STANDING COMMITTEE ON EDUCATION AGAINST COMMUNISM. THIS COMMITTEE'S FORMAL SESSIONS WILL BE HELD ALL DAY FRIDAY, SATURDAY, AND SUNDAY, BUT LEIBMAN STATES HE ANTICIPATES NO CONTROVERESIES OR MAJOR PROBLEMS.

LEIBMAN CONFIDENTIALLY TOLD EDWARDS HE SPENT SEVERAL HOURS WITH ALLEN DULLES EARLIER THIS WEEK IN CHICAGO. DULLES APPARENTLY VOICED SOME APPREHENSION THAT THE OSWALD CASE AND THE WARREN INQUIRY MIGHT RESULT IN UNIFYING ALL INTELLIGENCE AGENCIES INTO ONE, SUCH AS THE FBI TAKING OVER CIA AND SECRET SERVICE. LEIBMAN SAID HE TOLD DULLES HE FELT CONFIDENT THAT THE DIRECTOR TODAY WOULD FEEL THE SAME AS THE DIRECTOR'S PREVIOUSLY EXPRESSED OPINION THAT THIS PLAN WOULD BE NEITHER DESIRABLE NOR FEASIBLE. LEIBMAN SAID, HOWEVER, THAT HE NEVER CEASES TO BE AMAZED AT HOW THE DIRECTOR AND THE FBI HAVE BEEN ABLE TO HANDLE SUCH A MULTIPLICITY OF RESPONSIBILITIES AND DO ALL IN SUCH A MAGNIFICENT MANNER AND AT THE SAME TIME

CG 80-355

PAGE FOUR

COPY^E WITH PERSONNEL RECORITING DIFFICULTIES. LEIBMAN STATED ONE OF HIS STRONGEST ARGUMENTS AGAINST CRITICS OF THE GOVERNMENT HAS BEEN TO ASK THEM WHY THEY HAVEN'T BEEN WILLING TO SEEK GOVERNMENT POSITIONS AND HE SAID IT NEVER FAILS TO SHUT THEM UP BECAUSE THEY ARE MORE INTERESTED IN QUOTE⁴ "MAKING A BUCK UNQUOTE⁴ THAN QUOTE⁴ "PAYING THEIR RENT" UNQUOTE⁴ FOR THE PRIVILEGE OF BEING IN THIS COUNTRY BY CONTRIBUTING THEIR ALLEGED TALENTS TO THE PROBLEMS FACED BY THE GOVERNMENT.

SUBSEQUENT SUMMARIES WILL BE SUBMITTED AS THE MEETING PROGRESSES,

~~CORRE CTION PLS ON THE FOURTH PAGE THE FIRST WORD SHOULD READ COPE REPEAT COPE~~

END

WAWS

FBI WASH DC

TU

cc- mw Gale

4-11 (Rev. 12-23-64)

FEDERAL BUREAU OF INVESTIGATION
RECORDS BRANCH

715, 1965

<input type="checkbox"/> Mr. Tavel	<input type="checkbox"/> Classifying Unit
<input type="checkbox"/> Mr. Waikart	<input type="checkbox"/> Consolidation Unit
	<input type="checkbox"/> Correlation Unit
<input type="checkbox"/> Mr. Short	<input type="checkbox"/> Filing Unit
<input type="checkbox"/> Mr. Beale	<input type="checkbox"/> File Review Unit
<input type="checkbox"/> Mr. Marshall	<input type="checkbox"/> General Index Unit
<input type="checkbox"/> Mr. McCoy	<input type="checkbox"/> Messenger Unit
	<input type="checkbox"/> Name Searching Unit
<input type="checkbox"/> Mr. Brady	<input type="checkbox"/> Numbering Unit
<input type="checkbox"/> Mr. Benedict	<input type="checkbox"/> Personnel Records Unit
<input type="checkbox"/> Mr. Kuhn	<input type="checkbox"/> Recording Unit
<input type="checkbox"/> Mr. Runaldue	<input type="checkbox"/> Routing Unit
	<input type="checkbox"/> Stop Desk
	<input type="checkbox"/> Expedite Processing
	<input type="checkbox"/> Service Research
	<input type="checkbox"/> Desk
	<input type="checkbox"/> Service Unit
	<input type="checkbox"/> Training Unit, 7651
<input type="checkbox"/> See Me	
<input type="checkbox"/> Phone Me	<input type="checkbox"/> Please Handle
<input type="checkbox"/> Note Date	<input type="checkbox"/> M <u>6/11/65</u>
<input type="checkbox"/> Note Card	<input type="checkbox"/> Room <u>4730</u>
<input type="checkbox"/> Note Enclosure	
<input type="checkbox"/> Send File	Block <u> </u> copies

Numbering

M. R. HAZZARD

WILL T. McDONALD
 W. PERCY McDONALD
 EDWARD W. KUHN
 W. PERCY McDONALD, JR.
 TOM B. CRENSHAW
 EDWARD F. A. SMITH
 BRAXTON C. GANDY
 JOHN F. WATSON
 HENRY T. V. MILLER
 JOHN J. HOWARD, JR.
 CHARLES E. BAUCUM
 TROY HENDERSON, JR.
 DALE WOODALL
 CRAWFORD McDONALD
 RICHARD S. MAURER
 COUNSEL

McDONALD, KUHN, McDONALD, CRENSHAW & SMITH
 LAWYERS
 150 EAST COURT AVENUE
 MEMPHIS 1, TENNESSEE

March 3, 1964

Mr. Tolson _____
 Mr. Belmont _____
 Mr. Mohr _____
 Mr. Casper _____
 Mr. Callahan _____
 Mr. Conrad _____
 Mr. DeLoach _____
 Mr. Evans _____
 Mr. Gale _____
 Mr. Rosen _____
 Mr. Sullivan _____
 Mr. Tavel _____
 Mr. Trotter _____
 Tele. Room _____
 Miss Holmes _____
 Miss Gandy _____

Dear Mr. Hoover:

Very gratefully, I acknowledge receipt of your letter of February 25th extending congratulations to me upon my nomination as President-Elect-Nominee of the American Bar Association.

I know of no man in the United States for whom I hold greater respect than you, and the American Bar Association is deeply grateful to you for all of your assistance in the past. You and your department have been very nice to the organized bar and we shall deem it a pleasure to continue our very pleasant relations with you.

As I write this letter, I am looking at the Board of Governors Picture made with you in May 1961 when we visited your office. It occupies a very prominent place on my wall and I am especially proud of it.

With warm personal regards, I am

Sincerely yours,

Honorable J. Edgar Hoover,
 Director
 Federal Bureau of Investigation
 United States Department of Justice
 Washington D.C.

Ed Kuhn

REC 12

94-1-369-1896

10 MAR 11 1964

EXP. PROC.

MAR 9 1964

no ask - reply

8/8

UNITED STATES GOVERNMENT

Memorandum

TO : MR. GALE *JH*

DATE: March 12, 1964

FROM : H. L. EDWARDS *HLE*

SUBJECT: COMMUNIST PARTY, USA, vs. U. S.
PETITION FOR REHEARING EN BANC

Tolson _____
DeLoach _____
Mohr _____
Casper _____
Callahan _____
Conrad _____
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Charles Rhyne, a Washington attorney and past President of the American Bar Association (ABA), telephoned me while I was in Phoenix last week, to find out what the ABA Committee on Education Against Communism was doing, if anything, about the case in the Circuit Court of Appeals asking for a rehearing en banc on the Communist Party, USA. The answer is that any action such as filing an amicus curiae brief is outside the present scope of the committee's authority and it would require prior approval by the ABA Board of Governors. Committee Chairman Morris Leibman indicated that he would not hesitate seeking authority to file a brief in any case where it would appear the weight of the ABA would be helpful, but Leibman did not feel it would be good to seek blanket authority to do this in all such cases because it might result in a flood of such requests. The current question is moot in any event because on 2/21/64 the U. S. Court of Appeals denied the petition for rehearing. It is not known at this point, according to the Domestic Intelligence Division, just what action the Department will take.

I returned Rhyne's call when I was able to contact him on 3/11/64. He said his inquiry had been prompted by an informal conversation with another individual in his firm and that he had no personal concern in the matter. I merely told him that the ABA Committee at this point considered the filing of a brief outside the scope of its authority.

ACTION:

None informative.

1 - Mr. Sullivan

HLE:wmj (4)

94-1369-
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MAR 16 1964

64 MAR 18 1964

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UNITED STATES GOVERNMENT

Memorandum

TO : MR. GALE *gtr*

DATE: March 12, 1964

FROM : H. L. EDWARDS *HL*

SUBJECT: LEWIS POWELL, JR.
PRESIDENT-ELECT, AMERICAN BAR ASSOCIATION (ABA)
WARREN COMMISSION

Tolson ☒
Belmont ☒
Mohr ☒
Casper ☒
Callahan ☒
Conrad ☒
DeLoach ☒
Evans ☒
Gale ☒
Rosen ☒
Sullivan ☒
Tavel ☒
Trotter ☒
Tele. Room ☒
Holmes ☒
Gandy ☒

Last evening President-Elect of the ABA, Lewis Powell, Jr., telephoned me and asked me if I could meet him at his hotel in Washington where he was staying overnight indicating that he had a few things on his mind concerning his plans for strengthening the administration of criminal justice when he assumes the ABA Presidency in August, 1964. However, when I visited with him he seemed to want to talk first about the Warren Commission. He did not ask any questions or seek any information but seemed to want to get a couple of things off his mind.

Powell explained that yesterday was the first day that he had spent sitting in at the Warren Commission where they were taking testimony. He said that when Chief Justice Warren had named ABA President Walter Craig to oversee the proceedings of the Commission from a legal standpoint, Craig was actually named as an individual rather than as representative of the ABA. Powell said he thought this was a fiction on the part of Warren because Warren still seems to be "smarting" over his earlier rift with the ABA and in truth, Warren actually wanted the stature of the ABA in the picture because Warren and the Commission have been getting considerable criticism over the conduct of the inquiries. Powell said that in view of the heavy schedule of Craig, Craig effected an arrangement whereby he could be represented during his unavailability by Powell and past ABA Presidents Whitney North Seymour of New York and Charles Rhyne of Washington, D. C.

Powell said that if he had his way he would prefer the ABA not get involved for he is a bit concerned as to where the Commission is heading.

Speaking of his experience at the Warren Commission yesterday Powell said he felt somewhat helpless to draw any conclusions or make any suggestions because it is most difficult to inject oneself midstream and feel that you have an adequate picture of the whole situation. He likened it to someone trying to second-guess an FBI investigation without having studied all of the findings to date. Powell

- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - Mr. Sullivan

HLE:wmj (5)

APR 9 1964

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94-1-364-1897

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Memo for Mr. Gale
Re: Lewis Powell, Jr.

said that at the time they got into the picture there had already been about 2000 pages of testimony taken. He said that Craig has been trying during his spare nights and on weekends to review this testimony. It has been difficult because of the tight security, requiring that the testimony not be removed from the Commission quarters. Powell said he fully agrees with the security because of some apparent leaks which have heretofore occurred. Powell has no idea as to how long the inquiries might last but he seemed to make it plain that he hoped they would not be unduly protracted.

Powell then got into the subject of criminal law. He asked whether I had any further ideas on how he could move in the direction of strengthening the administration of criminal law. I pointed out to him that if he hoped to do it through the Criminal Law Section of the ABA he would first have to give serious thought to revitalizing that Section. I pointed out that the Section had really been impotent because it seems to be under the tight control of a hard core of individuals who were not genuinely interested in law enforcement's side of the picture and who seemed to be a combination of bleeding hearts and interested only in advancing their own causes. I cited Jim Bennett, Arthur Freund and Rufus King. I told Powell that it seemed to be most difficult to get a good balance into the Criminal Law Section and that some past efforts to have some of the law enforcement and prosecution-minded people in there had been discouraging because of the inertia already referred to. I also mentioned that now the Chairman of the Section was Defense Lawyer Charles Bellows of Chicago and already there had been evidence of his trying to pack certain committees with defense-weighted people such as the Committee on the Proposed Revisions of the Federal Rules of Criminal Procedure.

Powell said he had been somewhat aware of this but he was at a loss to know just what to do. He said that this was one of the reasons that he had placed the current study looking toward the establishment of minimum standards of criminal justice in the hands of a joint committee of the Criminal Law Section and the Judicial Administration^{Section}. He felt that this would tend to prevent any one group from unduly influencing it. Powell said that he would continue to be alert to ways of improving the Section.

Powell then briefly mentioned his concern over the internal and world security situation. He has been most interested in the program of education against Communism. He said he just recently attended a meeting of key business

Memo for Mr. Gale
Re: Lewis Powell, Jr.

people in Chicago and was amazed and discouraged to find that he was the only one who expressed himself as feeling that the security picture had deteriorated. Numerous other individuals were hoodwinked by peaceful coexistence and felt the situation was greatly improved. Powell said he had been impressed by a recent column he had read in the New York Times where the columnist had wisely pointed out that he didn't know of one democratic country which was not threatened by Communism and on the other hand he didn't know of a single iron curtain country which was threatened by Democracy. Powell ended by saying such meetings as the one referred to in Chicago are most frustrating to him and he said he can imagine how frustrated the Director must feel day in and day out to keep fighting the threat of Communism and seem like bucking his head against a stone wall. I told Powell that it is encouraging to see people of stature like himself who are supporting the Director in this fight and that discouraging as progress might seem to be we must still continue to do what we can.

My feeling is that Powell will be an excellent ABA President and that we will be able to work closely with him.

ACTION:

Information.

gpc

gtg *JP* *pd*

✓

March 18, 1964

REC-105

1-361-1898
Honorable ~~Morris L. Leibman~~
Leibman, Williams, Bennett and Baird
208 South La Salle Street
Chicago, Illinois 60604

Dear Mr. Leibman:

Your letter of March 12th has been received,
and I want to thank you for your thoughtfulness in writing as
well as your very kind sentiments.

It is indeed a pleasure to know that you found
my article which was published in the "Harvard Business Review"
of benefit, and your interest in having it distributed is appreciated.
It is imperative that Americans thoroughly understand the menace
which the communist conspiracy poses to our heritage of freedom,
and my associates and I are deeply grateful for your outstanding
support.

Sincerely yours,

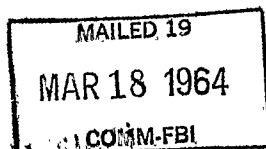
L. Edgar Hoover

NOTE: Leibman is on the Special Correspondents' List.

DFC:fc (3)

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REC'D-READING ROOM
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APR 2 1964
MAIL ROOM ☐

TELETYPE UNIT ☐

CHAIRMAN
Morris J. Lellman
H. Lynn Edwards
Egbert L. Gaywood
John G. McKay, Jr.
Raymond W. Miller
William C. Mott
Louis B. Nichols
Mario T. Noto
C. Brewster Rhoads
John Ritchie
Jackson A. Wright

ADMINISTRATIVE ASSISTANT
F. J. McGuire

COUNSEL
B. P. Atterbury

CONSULTING PROGRAM MANAGER
Frank R. Barnett

Standing Committee on Education Against Communism

AMERICAN BAR ASSOCIATION

1155 East 60th, Chicago, Illinois 60637

Telephone (312) 493-0533

208 South LaSalle Street
Chicago, Illinois 60604

March 12, 1964

Honorable J. Edgar Hoover
Director
Federal Bureau of Investigation
Washington, D. C.

My dear Director Hoover:

As you know, our Committee held three days of meetings last month immediately preceding the Mid-Year Meeting of our Association's House of Delegates. I am sorry I have not written you sooner to tell you of the Committee's decision to purchase 10,000 reprints of your excellent article entitled "The U. S. Businessman Faces The Soviet Spy" which appeared in the January/February 1964 issue of the HARVARD BUSINESS REVIEW.

Our friend, ardent worker and Committee colleague, Raymond W. Miller, called our attention to this article, and we were immediately taken with its pertinency and relevancy. With Mr. Miller's intercession, and in full cooperation with Mr. Chapman, Editor of the HARVARD BUSINESS REVIEW, we obtained 400 copies in sufficient time to have them distributed to each member of the Association's House of Delegates, the press table and the spectators' galleries.

We will be receiving early next week the balance of our order. We have completed arrangements for the distribution of

See
Mailing List
Change Noted
3/17/64

EXP. PROC.

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REC-105

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Hon. J. Edgar Hoover
March 12, 1964
Page Two

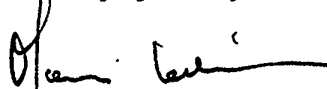
2,000 copies to the membership of the American Society of Corporate Secretaries, Inc., which organization will make its membership mailing by March 24th. We further intend within the next several weeks to distribute an additional 5,000 copies to the membership of the American Bar Association Corporation, Banking and Business Law Section, as well as to the Presidents and Executive Directors of all state, county and local bar associations and the Chairmen of all ABA Sections and Committees. We anticipate that other meaningful areas of distribution will be pursued.

We believe the story you related in this article is an important one, and illuminates a heretofore little understood avenue of current Communist tactics. I am confident the American businessman will be startled when he reads this article.

Our Committee once again is thankful to you for your continued authorship of articles and other publications which shed light on the complexities of the conflict our country faces today.

With expressions of highest esteem, and kindest personal regards, I remain

Sincerely yours,



Morris I. Leibman

MIL:db

UNITED STATES GOVERNMENT

Memorandum

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Gandy _____

TO : Mr. DeLoach

DATE: 3-16-64

FROM : Mr. A. Jones

SUBJECT: AMERICAN BAR ASSOCIATION
STANDING COMMITTEE ON
EDUCATION AGAINST COMMUNISM

The attached draft version of the article which the above-captioned group is planning to issue in pamphlet form has been reviewed. It is designed as a refutation of the false claims being made by Communist Party spokesmen, especially Gus Hall, on the campuses of American educational institutions.

The draft is somewhat long (34 pages). However, it contains many excellent points exposing the current communist propaganda.

It should be noted that the draft quotes the Director and relies on him as a source reference.

It is felt that Mr. Hoover's preface should be short and not become involved in any of the arguments and details of the paper. Moreover, it should avoid directly endorsing the article.

RECOMMENDATIONS:

1. That the attached preface be approved.
2. Upon approval, it be furnished to Assistant Director Sullivan for transmittal to the appropriate official of the American Bar Association.

Enclosure ENCLOSURE

- 1 - Mr. Sullivan - Enclosure
- 1 - J. F. Condon - Room 633 RB - Enclosure
- 1 - Miss Gandy - Enclosure

FCS:blh
(5)

REC-140

94-1-367-1899
61 MAR 26 1964

REC'D-READING ROOM
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MAR 17 3 32 PM '64

The communists are currently engaged in a widespread campaign to place Party speakers on college campuses and reach the minds of our young people. They are employing the most blatant techniques of falsehood, deceit and misrepresentation.

This pamphlet dissects the falsities of the communist arguments. It shows the true identity of the communist as an enemy of academic freedom--that he is arguing not in the spirit of truth but as a creature of a closed system of thought.

By exposing the communist position, this pamphlet highlights the positive values of our democratic way of life--reliance on law and order, the search for truth, faith in constitutional principles of government. All Americans, especially young people, will benefit from reading it.

Tolson _____ 1 - Mr. Sullivan - (sent with cover memo)
Belmont _____
Mohr _____ 1 - J. F. Condon - (sent with cover memo)
Casper _____
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Handwritten: 1 - Mr. Sullivan - (sent with cover memo)
Handwritten: 1 - J. F. Condon - (sent with cover memo)
Handwritten: 1 - Miss Gandy - (sent with cover memo)

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MAIL ROOM ☐ TELETYPE UNIT ☐

John Edgar Hoover
Director

ENCLOSURE

MAIL ROOM ☐ TELETYPE UNIT ☐



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

March 18, 1964

The American Bar Association has performed an outstanding service in publishing this pamphlet.

The communists are currently engaged in a widespread campaign to place Party speakers on college campuses and reach the minds of our young people. They are employing the most blatant techniques of falsehood, deceit and misrepresentation.

This pamphlet dissects the falsities of the communist arguments. It shows the true identity of the communist as an enemy of academic freedom--that he is arguing not in the spirit of truth but as a creature of a closed system of thought.

By exposing the communist position, this pamphlet highlights the positive values of our democratic way of life--reliance on law and order, the search for truth, faith in constitutional principles of government. All Americans, especially young people, will benefit from reading it.

John Edgar Hoover
Director

UNITED STATES GOVERNMENT

*Memorandum*TO : Mr. A. H. Belmont *clb*

DATE: March 11, 1964

FROM : *esa* W. C. SullivanSUBJECT: AMERICAN BAR ASSOCIATION
STANDING COMMITTEE ON EDUCATION
AGAINST COMMUNISM
INFORMATION CONCERNING

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Conrad	_____
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Holmes	_____
Gandy	_____

There is enclosed a draft version of a proposed article which the captioned committee is preparing for widespread distribution in pamphlet form. It deals with the campaign currently being conducted by the Communist Party, USA, to provide speakers at college campuses throughout the country and contains an excellent refutation of the false claims which communist spokesmen, particularly Gus Hall, have been making to student groups before which they have appeared.

Admiral William C. Mott, who is a member of the committee and who assisted in preparing this article has advised me that the committee feels that it will prove helpful in counteracting this communist campaign aimed at the youth of America. He stated, however, that the committee feels that the article would have an even greater impact if it included a preface by the Director and asked me if this would be possible. I told Admiral Mott that I would check and let him know.

While this proposed draft still requires some polishing, it is an effective exposure of the deceptive nature of this current communist tactic and would have even greater authority with a preface over the Director's signature. It is therefore felt that it would be to the Bureau's advantage to have a preface by the Director incorporated in the final version.

RECOMMENDATION:

It is recommended that the Crime Records Division be authorized to prepare a preface for this proposed article and that it be forwarded to me for transmittal to Admiral Mott.

Enclosure *2*

- 1 - Mr. Belmont
- 1 - Mr. Mohr
- 1 - Mr. DeLoach

- 1 - Mr. Sullivan
- 1 - Section tickler
- 1 - 100-3-114

1 - J. F. Condon

JFC:cr

(8)

72 APR 1964

REC-140

94-1-369-1900
MAR 26 1964

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CRIME RECORDS DIVISION

94-1-369-1901
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63-383-164X

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C

UNITED STATES

DEPARTMENT

Memorandum

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Tele. Room _____
Holmes _____
Gandy _____

TO : W. C. Sullivan

DATE: February 3, 1964

FROM : R. W. Smith

SUBJECT: AMERICAN BAR ASSOCIATION (ABA)
STANDING COMMITTEE ON EDUCATION AGAINST COMMUNISM
PROPOSED PAMPHLET "TEACHER INSTITUTES ON
'COMMUNISM VERSUS DEMOCRACY'"

Reference is made to the memorandum from Mr. Edwards to Mr. Gale dated January 28, 1964, captioned as above, which requested the comments of the Domestic Intelligence Division regarding the enclosed pamphlet.

The proposed pamphlet was reviewed by the Research-Satellite Section. It summarizes the activities of the ABA in assisting in the development of teachers who are prepared to teach about communism in our schools. The work of the ABA in this connection has been devoted largely to arranging, with educational and other groups, for summer institutes for high school teachers and providing these institutes with nationally recognized guest lecturers. The only error noted is that the second paragraph on page seven begins with an incomplete sentence. It is believed that the proposed pamphlet would be improved by the inclusion of a table of contents and an eye-catching cover page.

RECOMMENDATION:

It is recommended that this memorandum and enclosure be forwarded to Mr. Edwards for his information in preparation for the midwinter meeting of the committee in Chicago on February 12, 1964.

Enclosure

JFC:kao:epj
(7)

- 1 - Mr. Belmont
- 1 - Mr. Gale
- 1 - Mr. Sullivan
- 1 - H. L. Edwards
- 1 - Section
- 1 - J. F. Condon

REC-104

2 MAY 12 1964

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74 MAY 15 1964

94-1-369-1903

CHANGED TO

94-1-369-1885X

9-3-64

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UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Gale *JG*

FROM : H. L. Edwards *HL*

SUBJECT: KENNETH J. HODSON
VICE CHAIRMAN
CRIMINAL LAW SECTION
AMERICAN BAR ASSOCIATION

DATE: 5/8/64

Tolson _____
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8-M. [Signature]
[Redacted] PROFESSOR OF LAW
UNIVERSITY OF KANSAS

b6
b7C

The two captioned individuals have requested their names be placed on the Mailing List to receive reports and releases concerning crime statistics. I think this would be very desirable and of benefit to the Bureau. Hodson is in the Office of Judge Advocate General of the Department of the Army, has the rank of Major General, has been known to me for a number of years during which both of us have been officers in the Criminal Law Section of the American Bar Association. [Redacted] is Professor of Law at the University of Kansas, Lawrence, Kansas, and he is currently working with the Criminal Law Section of the American Bar Association as editor of its quarterly publication "The Criminal Law Quarterly."

Hodson would like his home address to be used, which is 6519 Lone Oak Drive, Bethesda, Maryland 20034.

Wilson could be addressed at the University of Kansas, Lawrence, Kansas.

RECOMMENDATIONS:

1. That these names be placed on the Mailing List for the crime reports.

3-136 74-1-367-1904 HL

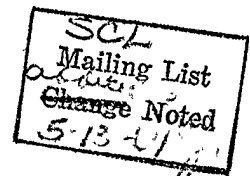
6 MAY 13 1964

2. That these names be placed on the Special Correspondents' List to receive various Bureau releases and the Law Enforcement Bulletin in view of their interest in criminal law and law enforcement matters.

1 - Crime Records Division

HLE:jms

(3)
59 MAY 18 1964



EX-103

May 7, 1964

REC-42

94-1-369-1905

Honorable Morris L. Leibman
Leibman, Williams, Bennett
and Baird
208 South LaSalle Street
Chicago, Illinois 60604

Dear Mr. Leibman:

I have received your letter of May 4th
inviting me to attend the testimonial dinner in honor of
Admiral Mott on May 17th here in Washington.

While I would certainly like to be with you
on this occasion, a previously confirmed commitment
precludes my accepting your kind invitation. I regret
I am not able to give you an affirmative response but
trust you will understand.

Sincerely yours,

J. Edgar Hoover

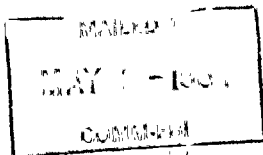
1 - Chicago - Enclosure

NOTE: Correspondent is on the Special Correspondents' List as is Rear
Admiral William C. Mott.

RR:cai

(5)

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FBI



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56 MAY 25 1964

MAIL ROOM

TELETYPE UNIT

CHAIRMAN
Morris I. Leibman
H. Lynn Edwards
Egbert L. Haywood
John G. McKay, Jr.
Raymond W. Miller
William C. Mott
Louis B. Nichols
Mario T. Noto
C. Brewster Rhoads
John Ritchie
Jackson A. Wright

ADMINISTRATIVE ASSISTANT
F. J. McGuire

COUNSEL
B. P. Atterbury

CONSULTING PROGRAM MANAGER
Frank R. Barnett

AMERICAN BAR ASSOCIATION

1155 East 60th, Chicago, Illinois 60637

Telephone (312) 493-0533

208 South LaSalle Street
Chicago, Illinois 60604

May 4, 1964

Mr. Tolson	✓
Mr. Belmont	✓
Mr. Mohr	✓
Mr. Casper	✓
Mr. Callahan	✓
Mr. Conrad	✓
Mr. DeLoach	✓
Mr. Evans	✓
Mr. Gale	✓
Mr. Rosen	✓
Mr. Sullivan	✓
Mr. Tavel	✓
Mr. Trotter	✓
Tele. Room	✓
Miss Holmes	✓
Miss Gandy	✓

Honorable J. Edgar Hoover
Director
Federal Bureau of Investigation
Washington 25, D. C.

My dear Director Hoover:

I am conscious of the fact that many demands are required of your time and effort. However, a number of us, in our personal capacities, are planning a testimonial dinner in honor of the recently retired Navy Judge Advocate General, Admiral William C. Mott, on Sunday evening, May 17th, at the Hotel Mayflower, and we would be honored and privileged if you could join us as our guest.

Admiral "Bill" Mott has given thirty years of devoted and outstanding service. We believe he has distinguished himself, and in so doing our own profession, over the years as an officer, lawyer, gentleman and scholar, and by his private actions and public oratory has advanced the cause of human dignity and personal freedom in our world.

This will be a stag dinner, and informal attire will be in order. A cocktail party commencing at 6 P.M. will be held in Suite 580, and dinner will be served in the Chinese Room at 7:30 P.M.

We would hope it will be convenient for you to join us.

15 MAY 13 1964

With expressions of high esteem, I remain

Sincerely yours,

Morris I. Leibman

MIL:db

EXP. PROC.

MAY 5 1964

6-10-64 5-8-64 R2/cor

Called 5/5/64 S. 2.

NOTED

UNITED STATES GOVERNMENT

Memorandum

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TO : Mr. Mohr

DATE: May 12, 1964

FROM : J. J. Casper

SUBJECT: AMERICAN BAR ASSOCIATION (ABA)
REQUEST TO MEET WITH THE DIRECTOR
AND TOUR BUREAU

On 5/11/64, [] Assistant Director of the Washington Office of the ABA, advised ABA is hosting 150 lawyers from France on Friday, May 15, 1964. Mr. [] advised that these men have an appointment to see the Chief Justice of the Supreme Court at 3:00 p.m. on Friday, and that on the same day they would like also to meet the Director and have the Director say a few words to them at 4:30 p.m. on Friday, May 15, 1964. [] also indicated that a short tour of the Bureau would be desirable. He advised that some of the men speak English.

On 5/12/64, in the absence of Inspector H. Lynn Edwards, Mr. [] advised Inspector [] of the Training Division he did not believe the group would have time for a tour and desired only to meet the Director.

Considering the size of this group, the language problem and the Director's heavy schedule, Inspector [] took the liberty of advising Mr. [] that prior commitments would preclude the Director from meeting the group on Friday. Mr. [] stated he understood perfectly and regretted that it had not been possible to give more notice.

RECOMMENDATION:

None. . . . Informative.

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. H. L. Edwards
1 - Miss Holmes
1 - Mr. Stapleton
1 - Mr. Westfall
WMF:hcv
(8)

61 MAY 22 1964

94-1-369-1906
15 MAY 15 1964
CORRESPONDENCE

UNITED STATES GOVERNMENT

Memorandum

TO :

Mr. Gale

DATE: 5/12/64

FROM :

H. L. Edwards

SUBJECT:

AMERICAN BAR ASSOCIATION
STANDING COMMITTEE ON EDUCATION
AGAINST COMMUNISM
COMMITTEE MEETING AND TESTIMONIAL
DINNER, SUNDAY, MAY 17, 1964
WASHINGTON, D. C.

Mr. Tolson	_____
Mr. Belmont	_____
Mr. Mohr	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. DeLoach	_____
Mr. Evans	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

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The Board of Governors of the American Bar Association is holding its May meeting at the Mayflower Hotel, Washington, D. C., beginning Saturday, May 16, and extending through Tuesday, May 19. During this period the ABA Standing Committee on Education Against Communism, of which I am a member, is holding its spring business meeting all day Sunday, May 17, at the Mayflower. In addition, the Committee has scheduled a stag testimonial dinner in honor of Committee member WILLIAM C. MOTT, who recently retired as Admiral in the Judge Advocate General's Office of the Navy and is now in private industry.

In view of the fact that I am in Philadelphia handling the Philadelphia inspection, I will not be able to attend either the Board of Governors meeting or the Education Against Communism Committee meeting. However, since I feel it essential that I be represented at the Committee meeting, I am suggesting that Permanent Inspector's Aide [redacted] attend the Committee meeting and the testimonial dinner. [redacted] is my approved alternate in the ABA liaison and he will be authorized to sit in for me at the Committee meeting. [redacted] is with me on the Philadelphia inspection but would be able to depart Philadelphia Saturday afternoon and return to the inspection by 9 a.m. Monday morning.

Unless advised to the contrary, I will make arrangements for Permanent Aide [redacted] to be my alternate at the meeting of the Standing Committee on Education Against Communism and the testimonial dinner.

HLE:LRB

REC- 38

CC: Mr. SULLIVAN

EX-103

94-1-367-1907
MAY 20 1964

64 MAY 25 1964

62

UNITED STATES GOVERNMENT

Memorandum

TO : MR. J. H. GALE *JH*

DATE: 5/18/64 *5/18/64*

FROM : MR. H. L. EDWARDS *HL*

SUBJECT: POSSIBLE REQUEST FOR THE DIRECTOR
TO JOINTLY APPEAR WITH FORMER
PRESIDENTS TRUMAN AND EISENHOWER
AND SPEAK BEFORE AMERICAN BAR
ASSOCIATION ASSEMBLY IN NEW YORK CITY,
AUGUST 10-14, 1964

Mr. Tolson	<input checked="" type="checkbox"/>
Mr. Belmont	<input checked="" type="checkbox"/>
Mr. Mohr	<input checked="" type="checkbox"/>
Mr. Casper	<input checked="" type="checkbox"/>
Mr. Callahan	<input checked="" type="checkbox"/>
Mr. Conrad	<input checked="" type="checkbox"/>
Mr. DeLoach	<input checked="" type="checkbox"/>
Mr. Evans	<input checked="" type="checkbox"/>
Mr. Gale	<input checked="" type="checkbox"/>
Mr. Rosen	<input checked="" type="checkbox"/>
Mr. Sullivan	<input checked="" type="checkbox"/>
Mr. Tavel	<input checked="" type="checkbox"/>
Mr. Trotter	<input checked="" type="checkbox"/>
Tele. Room	<input checked="" type="checkbox"/>
Miss Holmes	<input checked="" type="checkbox"/>
Miss Gandy	<input checked="" type="checkbox"/>

As a result of discussions concerning the convention program of the American Bar Association (ABA) Standing Committee on Education Against Communism, which Committee met on Sunday, 5/17/64, at the Mayflower Hotel, it was mutually proposed by the members present that the Director's appearance, along with former Presidents TRUMAN and EISENHOWER, would be the best way to crystalize in the minds of lawyers the need for lawyer education concerning the threat of Communism.

MEMBER OF SUBJECT ORGANIZATION

As you are aware, I am a member of this Committee; and, as previously advised, SA [redacted] attended this meeting, in a liaison capacity, due to my present inspection assignment in Philadelphia. Subsequent to the above proposal and in private conversation during a recess period, MORRIS I. LEIBMAN, Chairman of the Committee, asked [redacted] about the possibility of the Director making such an appearance. [redacted] told Mr. LEIBMAN that he, of course, could not speak for the Director; but pointed out that the Director does have ever-increasing responsibilities and demands on his time. Mr. LEIBMAN remarked that he understood this, but felt that the program would not be a success without the Director's presence; and indicated that if other scheduling problems (not disclosed) could be worked out, the Director's views would be sought concerning the possibility of an appearance.

Tickler Copies To:

- 1 - Mr. MOHR
- 1 - Mr. BELMONT
- 1 - Mr. SULLIVAN
- 1 - Mr. DE LOACH
- 1 - Mr. GALE
- 1 - Mr. EDWARDS

BLH: BSP
(7)

REC-42 94-1-367-1908

11 JUN 12 1964

CORRESPONDENCE

102m

56 JUN 16 1964

PERA/REC UNIT

*Leibman
CRAIG
Powell*

MEMBER OF SUBJECT ORGANIZATION

On Sunday evening, near the close of the ABA meeting, WALTER E. CRAIG, President of the ABA, mentioned, in a private conversation with [redacted] that Mr. LEIBMAN had approached him with the idea of the Director's appearance, which he thought was tremendous. Without soliciting any opinion from [redacted] CRAIG stated that if things could be worked out, he and LEWIS F. POWELL, JR., President-Elect of the ABA, who will take office at the convention, would ask to see the Director, and personally extend an invitation for the Director to appear and speak. Mr. CRAIG indicated that he realized the Director has heavy commitments on his time, but felt that the idea was so good that the possibility could not be overlooked. Mr. CRAIG went on to say how much he admired the Director for his unequalled contribution and dedication in the fight against Communism.

MEMBER OF SUBJECT ORGANIZATION

RECOMMENDATION:

For the Director's information.

EH

PAN

✓

JHSe

I cannot do it. I shall
be on West Coast in August.

Pres. not to
Liebman, cc to
Craig & Powell per
R/S instr. of
Mr. [redacted] (for [redacted])
SP/4/4
JHSe

UNITED STATES GOVERNMENT

Memorandum

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Mohr _____
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Callahan _____
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TO : Mr. A. H. Belmont *also*

DATE: June 24, 1964

FROM : Mr. W. C. Sullivan *wcs*

SUBJECT: MORRIS I. LEIBMAN
CHAIRMAN

1 - Mr. Belmont
1 - Mr. Mohr ✓
1 - Mr. DeLoach
1 - Mr. Sullivan
1 - Mr. Edwards
1 - Mr. J.A. Sizoo
1 - Mr. D.E. Moore

C
STANDING COMMITTEE ON
EDUCATION AGAINST COMMUNISM
AMERICAN BAR ASSOCIATION

Enclosed will be found a clipping from the "Chicago Sun Times" of Wednesday, June 17, 1964. Mr. Leibman just sent this to me. It will be noted it contains this reference to the Director: "Best answer to that article in Life, 'Must J. Edgar Go On and On?' written by Loudon Wainwright: Yes, because U.S. Presidents, acting in the public's interest, have insisted Hoover stay on and on!"

Irving Kupcinet, who writes this column, is a close friend of Leibman's, who asked him to put this in the paper.

Q.C. RECOMMENDATION:

For the information of the Director.

Enclosure

WCS:djw
(8)

WCS
Q
EX 105

REC 55

94-1-369-1909

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1 JUN 26 1964

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Spencer

368



KUP'S COLUMN

KUPCINET

That newspaper photo of a man who had been slugged by eight toughs in New York—lying on the street with his wife and friend bending over him—was posted at Mike Fish's, alongside a sign reading: "Come to the New York World's Fair!" . . . Time mag salutes Sen. Everett Dirksen (R-Ill.) on its cover for making the good fight in behalf of the civil rights legislation. . . . Moderate Republicans, according to Gil Stern, are calling Gov. Bill Scranton "our Penn pal." . . . Add look-alikes: Steve Canyon's niece Poteet (in the comic strip) and Ann-Margret (in the flickers).

STEPPIN FETCHIT HAS BEEN RELEASED from County Hospital and, thanks to agent Max Borde, snared his first job. He opens June 29 at Adria's in Lake Bluff. (Tip to cafe owners: Fetchit is Available Jones for other engagements, via Borde.)

Best answer to that article in Life, "Must J. Edgar Go On and On?" written by London Wainwright: Yes, because U.S. Presidents, acting in the public's interest, have insisted Hoover stay on and on! . . . Didn't Police Supt. O. W. Wilson leave himself open to a flock of gags by proclaiming June 21-27 as "Burglary Prevention Week"? (One week out of 52????)

STORY OF THE DAY: Mrs. Frances Peterson of suburban Palos Heights was graduated with honors the other day from Chicago Teachers College South and will take her place in the ranks of schoolmarms this fall. What's unusual about her story? She's the mother of 10 children! Mrs. Peterson started her college work after the birth of her eighth child. She earned 62 hours of credit via educational TV, then enrolled full time at the teachers college. She maintained her studies while running the household, giving birth to two more children and participating in church and civic activities. (Where there's a will . . .)



J. EDGAR HOOVER

"Chicago Sun Times"
Wednesday, June 17, 1964

XEROX
JUN 29 1964

94-1-369-1909

UNITED STATES GOVERNMENT

Memorandum

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Sullivan _____
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Tele. Room _____
Holmes _____
Gandy _____

TO : Mr. Gale *gale*

DATE: July 7, 1964

FROM : H. L. Edwards *HL*

American Bar Association

SUBJECT: AMERICAN BAR ASSOCIATION STANDING COMMITTEE
ON EDUCATION AGAINST COMMUNISM;
CIRCULATION OF DIRECTOR'S ARTICLE,
"THE U. S. BUSINESSMAN FACES THE SOVIET SPY"

United States

By communication dated 6-29-64 from the staff of the American Bar Association (ABA) Standing Committee on Education Against Communism, I was advised that the Committee has received numerous requests for reprints of the Director's article, "The U. S. Businessman Faces the Soviet Spy," which was published in the January-February, 1964, "Harvard Business Review." The Committee originally purchased 20,000 reprints of this article and made bulk distributions to high school teachers studying communism in summer institutes and to lawyers. Also, other national associations and societies becoming acquainted with the Committee's work have been circulating the Director's article to their officers, directors and key members. These have included Aerospace Industries Association of America; The Advertising Council; The Association of the U. S. Army; The American Legion; The Massachusetts National Guard; the U. S. Chamber of Commerce; California Bankers' Association; Defense Orientation Conference Association, and the Air Force Association.

ACTION:

For information.

- 1 - Mr. C. D. DeLoach
- 1 - Mr. W. C. Sullivan

HLE:mbk

(4)

58 JUL 20 1964

gmc
7/10/64
94-1-369-1910
3 JUL 9 1964

UNITED STATES GOVERNMENT

Memorandum

TO : MR. TOLSON

DATE: July 14, 1964

FROM : J. H. GALE *JHG*

SUBJECT: PRESIDENT'S ASSASSINATION
REQUEST FROM WALTER E. CRAIG,
PRESIDENT, AMERICAN BAR ASSOCIATION (ABA)

V. Wright
Tolson ☒
Belmont ☒
Mohr ☒
Casper ☒
Callahan ☒
Conrad ☒
DeLoach ☒
Evans ☒
Malone ☒
Rosen ☒
Tavel ☒
Trotter ☒
Tele. Room ☒
Holmes ☒
Gandy ☒

This morning Inspector Edwards received a phone call from ABA President Walter E. Craig who has been representing the ABA with the Warren Commission. Craig, as you know, has always had the highest regard for the Director and the Bureau and in prior conversations with him concerning the Warren Commission he has expressed little sympathy with some of the Commission's inquiries and has always been very sympathetic with the Bureau's position. Craig stated he had a favor he wanted to ask.

Craig indicated that the Warren Commission had asked him and Attorney who is a member of Craig's staff assisting him at the Commission, to go to Dallas and look over the Presidential route, the building from which the shots were fired, and also go over Oswald's route. The Commission had asked Craig and to do this in the company of the Dallas Chief of Police but Craig said he feels this is inappropriate and feels that he and should do this independently of the Chief so that they wouldn't be considered as under the influence of the Chief or rubber-stamping him.

Consequently, Craig said that he and plan to travel to Dallas Wednesday, 7/15/64, and spend Thursday and Friday in clearing up their business in Dallas. Craig said he would greatly appreciate it if our Special Agent in Charge in Dallas could be alerted to their coming and facilitate their handling of whatever matters they had to handle there expeditiously and thus they would not become involved with the Chief of Police. Craig said that he would not involve our personnel in their inquiries and it was merely something he was asking so that they would be able to get everything done as expeditiously as possible. Craig assured me that there would be no possible embarrassment to the Bureau in this and no possible involvement. In any event he told me that he felt sure that when his inquiries were completed in connection with the Warren Commission, he was confident "the FBI would be hand in glove" with Craig's conclusions in any event.

94-1369-
NOT RECORDED

I am confident Craig's request is sincere and is motivated completely by his desire to act independently of the Commission. In view of Craig's extremely cooperative feelings in the past and his high regard for the Bureau, I feel we should assist him as requested.

53 JUL 23 1964

1 - Mr. Rosen

1 - Mr. DeLoach

5 JUL 17 1964

ORIGINAL FILED IN

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. W. C. Sullivan *WC*

FROM : Mr. F. J. Baumgardner *FJB*
8-7-64

SUBJECT: AMERICAN BAR ASSOCIATION
ANNUAL MEETING
NEW YORK, NEW YORK
AUGUST 10-14, 1964

DATE: July 24, 1964

Tolson	✓
Belmont	✓
Mohr	
Casper	
Callahan	
Conrad	
DeLoach	
Evdns	
Gale	✓
Rosen	
Sullivan	
Tavel	
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Boon
8-7-64

At the request of Inspector H. L. Edwards, there is attached certain material for possible use at the annual meeting of the American Bar Association to be held in New York City August 10-14, 1964.

The attached material covers (1) ~~security~~ legislation which is included in the Bureau's legislative program and which we have referred to the Attorney General as desirable from the Bureau's standpoint; (2) ~~security~~ legislation introduced during the 88th Session of Congress in which the Bureau has an interest; and (3) ~~public source~~ data relating to prosecutive and administrative action taken to date by the Department under the various provisions of the Internal Security Act of 1950, together with pertinent appellate court decisions in these cases.

RECOMMENDATION:

That this memorandum and the attachments be routed to Inspector Edwards.

Enc.

94-1-369

- 1 - Mr. Belmont
- 1 - Mr. H. L. Edwards
- 1 - Mr. Sullivan
- 1 - Mr. Baumgardner
- 1 - Mr. Huelskamp
- 1 - Mr. Reddy

EBR:bgc
(7)

12 ENCLOSURE

ENCLOSURE ATTACHED

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EX 109

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ENCLOSURE



ENCLOSURE

94-1-369-1911

SECURITY LEGISLATION INCLUDED IN
BUREAU'S LEGISLATIVE PROGRAM

The following items of legislation have been referred to the Attorney General for consideration and possible inclusion in the Department's legislative program. The fact that the Bureau is urging the enactment of these items of legislation is not known outside of the Department.

Espionage

Legislation is needed to amend the espionage laws to provide punishment for persons who gather data from legitimate sources for transmittal to foreign governments. This situation was brought to light in the case of United States v. Heine in 1945 (151 F 2d 813) which held that it was not an offense to transmit to a foreign government that type of information which came from sources lawfully accessible to anyone who was willing to take the pains to find, sift and collate the information. The effect of the decision in the Heine case was to remove from the purview of the espionage statutes those espionage agents who gathered strategic unclassified information for transmittal to their espionage principals.

Passport Matters

There is a definite need for workable legislation which will permit the Secretary of State to consider security factors before issuing a United States passport. Section 6 of the Internal Security Act of 1950, which became effective on 10/20/61 when the registration order against the Communist Party, USA, became final, proscribed members of the Communist Party, USA, from applying for, using, or attempting to use United States passports. Two indictments were returned against Communist Party members from San Francisco, California, in October, 1963, and February, 1964, for violation of Section 6 of the Act.

On 6/22/64, however, the United States Supreme Court in a 6-3 decision in the case entitled "Elizabeth Gurley Flynn and Herbert Eugene Aptheker v. the Secretary of State" held Section 6 of the Internal Security Act of 1950 unconstitutional on its face. The Court said that the right to travel is part of the "liberty" of which a citizen cannot be deprived without due process of law and that Section 6 "too broadly and

ENCLOSURE

Security Legislation Included in Bureau's Legislative Program

indiscriminately restricts this liberty." In effect the Court held that membership in the Communist Party, USA, is no basis in itself for denying a United States passport. The Court felt that Communist Party membership should be only one factor to be weighed in determining the loyalty of an applicant for or a user of a United States passport.

As a result of the Supreme Court decision in the Flynn and Aptheker case, numerous Communist Party officials and members have already obtained passports and have either left the United States or are planning to do so in the near future. Any proposed legislation in the passport field should contain appropriate safeguards for FBI informants and sources.

Smith Act of 1940

The Smith Act of 1940 should be strengthened by defining the word "advocacy." In this connection, it is desired that regardless of effect, the advocating of the overthrow of the Government by force and violence will constitute a violation of the Smith Act of 1940. This proposal is aimed at overcoming the effects of the June 30, 1957, Supreme Court decision in the Yates case which held that "mere advocacy" of the violent overthrow of Government is not a violation of the Smith Act but that advocacy must incite to action.

Unauthorized Disclosure

Legislation is needed which would prohibit former Government employees from disclosing to unauthorized persons information obtained by them in the course of their employment. This would relate to information not classified, as pertaining to the national defense, but information accessible to the individual only through his Government employment. For example, there should be protected under such legislation investigative methods and techniques employed during investigations, the identities of confidential informants, the fact that a particular person or organization is under investigation or has been under investigation, and the results of such investigations. Unauthorized disclosure of the types of information listed could affect adversely pending or future investigative activity on the part of the Government and might jeopardize the lives of confidential informants.

**SECURITY LEGISLATION INTRODUCED
DURING 88TH SESSION OF CONGRESS**

H. R. 951

H. R. 951 was introduced by former Representative Walter (D.-Pa.) on 1/9/63. This bill would lend congressional sanction to Executive Order 10865, issued on 2/20/60. Executive Order 10865 reinstituted the Industrial Personnel Security Program, which the Supreme Court had rendered void by its 6/29/59 decision in the case of Greene v. McElroy. Greene, an aeronautical engineer, had his security clearance revoked by the Navy but was not afforded confrontation at hearings before industrial security boards of the Department of Defense.

The Supreme Court held in its 6/29/59 decision that the Secretary of Defense had no authorization from either the President or Congress to carry on a program which denied security clearance without granting the employee the opportunity of full confrontation by the witnesses who furnished adverse information against him.

Under Executive Order 10865, certain procedural rights are guaranteed the applicant for clearance, including a hearing where the applicant will be afforded confrontation, unless the head of the Department which supplied the adverse information certifies that the source who furnished the information is a confidential informant whose disclosure would be substantially harmful to the national interests, or the source cannot testify because of death or severe illness, in which case his name will be disclosed to the applicant. Under Executive Order 10865, the head of the department involved may personally deny or revoke clearance without a hearing or confrontation "if the security of the Nation so requires."

As indicated above, H. R. 951 would merely lend congressional sanction to Executive Order 10865. By letter 1/24/64 we advised the Deputy Attorney General that the Bureau has been participating in the Industrial Personnel Security Program, as implemented by Executive Order 10865, and has made witnesses available for testimony at hearings whenever possible. Accordingly, the enactment of H. R. 951 would not affect the Bureau's operations.

H. R. 9212
S. 2136

These identical bills, which seek to amend the Foreign Agents Registration Act of 1938, as amended, were introduced in the House by Representative Celler (D.-NY) and in the Senate by Senators Fulbright (D.-Ark.) and Hickenlooper (R.-Iowa). These bills would require registered agents of foreign principals to include in their statements filed with the Attorney General a detailed account of contributions made in connection with a campaign made for any political office. These bills would also amend Chapter 20, Title 18, U. S. Code, by prohibiting a foreign agent, in his capacity as such, from making such contributions. Any individual who solicited, accepted or received such a contribution from a foreign agent would, likewise, be penalized.

The bills would prohibit any employee of the executive, legislative or judicial branches of the United States Government or of any United States agency from acting as agents of a foreign principal. The bills would also authorize the Attorney General to go before any United States court to secure an order enjoining any person violating or about to violate the Registration Act from continuing to act as an agent for a foreign principal.

Should these bills become law, cases involving political contributions would be difficult to prosecute since the bills as written prohibit contributions made by an agent for or on behalf of his foreign principal or otherwise in his capacity as agent of the foreign principal. The bills do not penalize contributions made by the agents of the foreign principal in their own initiative and not on behalf of the principal.

These bills seek to prevent foreign principals through political contributions from influencing elective offices. The shortcomings in these bills as mentioned above, would still leave a loophole.

H. R. 2843

H. R. 4897

H. R. 2843 was introduced by Representative Celler (D.-NY) on 1/28/63, and H. R. 4897 was introduced by Representative Poff (R.-Va.) on 3/14/63.

The present sedition law proscribes attempts to cause mutiny or disloyalty among the Nation's armed services. A clause in the current law limits its application to the United States or its admiralty or maritime jurisdiction. The purpose of the new bills is to eliminate this geographical restriction and the law would then apply regardless of where the seditious acts were committed.

These bills were recommended to Congress by the Department of Justice in early 1962 and parallel a change in the espionage laws previously proposed by the Department and subsequently enacted by Congress. The proposed change would have only limited effect upon our responsibilities since there have been relatively few sedition cases since World War II.

H. R. 475

H. R. 475 was introduced by Representative Doyle (D.-Calif.) on January 9, 1963. It proposes to amend the Internal Security Act of 1950 by repealing the registration provisions of the Act together with the cumulative penalties for violation of the registration provisions and to substitute a penalty of 5 years and/or a \$10,000 fine for membership in an organization which the Subversive Activities Control Board has found to be a communist organization.

In commenting to the Deputy Attorney General on a similar bill, we advised, by letter dated February 9, 1962, that while the Bureau favors legislation which will provide effective criminal penalties for membership in and activities on behalf of the Communist Party, USA, the desirability of repealing the registration provisions of the Internal Security Act of 1950 after the Department had instituted criminal and administrative action under these provisions was a question to be resolved by the Department of Justice and the Congress.

H. R. 1646

H. R. 953

H. R. 1646 was introduced on January 9, 1963, by former Representative Walter (D.-Pa.) and H. R. 953 was introduced on January 10, 1963, by Representative Johansen (R.-Mich.).

These identical bills proposed to amend the Internal Security Act of 1950 to provide for the protection of strategic defense facilities (other than vessels, piers and waterfront facilities) by barring from such facilities those individuals "as to whom there is reasonable ground to believe may engage in sabotage, espionage or other subversive activities." The bills provide for "statements of charges and hearings," if desired, by individuals who are barred from such facilities.

In commenting on similar proposed legislation, we advised the Deputy Attorney General, by letter dated May 3, 1961, that the enactment of such legislation would not adversely affect the Bureau's operations provided the necessary steps were taken to protect the security of Bureau informants and sources. It was pointed out to the Deputy Attorney General that most of the cases which would arise under such legislation would undoubtedly be based upon information of a security nature which the FBI had originally furnished to the intelligence branches of the armed forces.

H. R. 3442

H. R. 3442 was introduced by Congressman Whitener (D.-N.C.) on 2/5/63. This bill provides that no existing or future Federal legislation prohibiting subversion of or sedition committed against the Government shall impair the jurisdiction of the courts of any state to enforce a state statute which proscribes a criminal penalty for any act of sedition against, or any act, intent or conspiracy to overthrow the Government of such state or the Government of the United States.

This bill is aimed at overriding the April, 1956, United States Supreme Court decision in the Steve Nelson case, which held that Congress, by enacting the Smith Act of 1940, pre-empted to the Federal Government exclusive jurisdiction over the prosecution of subversives.

The Bureau's position with regard to H. R. 3442 and numerous similar bills has been that the enactment of legislation which would allow the various states to prosecute subversives would not adversely affect our operations. From the Bureau's standpoint, we are in no position to object to such legislation since such action would certainly bring charges that the Bureau is seeking to deny the individual states the right to enforce their police powers and is seeking to become a Federal police agency.

H. R. 5683

H. R. 5683 was introduced by former Representative Walter (D.-Pa.) on 4/11/63. This bill would amend Title 8, U. S. Code, Section 1185 (b) by making it unlawful for any citizen of the United States to travel to any country or area, or depart from the United States with the intention of traveling to any country or area to which travel has been prohibited as contrary to the national interests by regulations authorized and proscribed by the President. (This bill is aimed primarily at travel to Cuba and Red China.)

The Internal Security Division of the Department considered this amendment weak because it rests upon the intent of the traveler and because it does not require a passport valid for travel in the area to which the travel is made or attempted. In addition, venue would lie in the place where the traveler exited the United States, which would pose a problem of evidence since no record is kept at United States border points of the names of United States citizens leaving this country. Accordingly, the Internal Security Division proposed to revise H. R. 5683 to provide that the offense would consist of entering the restricted country without a properly validated passport. The offense would, therefore, be committed outside the United States and venue would lie where the defendant was first found or first brought within the United States.

In commenting upon H. R. 5683 and its proposed revision by the Department, we advised the Deputy Attorney General on 1/3/64 that the Department's proposed revision of H. R. 5683 would appear to eliminate the element of intent and would obviate the problem of venue. We further pointed out that such an amendment would be helpful in the prosecution of individuals engaged in unauthorized travel into prohibited areas.

H. R. 955
H. R. 1648

H. R. 955 was introduced by former Representative Walter (D.-Pa.) on 1/9/63, and H. R. 1648 was introduced by Representative Johansen (R.-Mich.) on 1/10/63.

The captioned identical bills propose to amend the Internal Security Act of 1950 by providing that a final order of the Subversive Activities Control Board against any communist-action, communist front, or communist infiltrated organization shall also be applicable to any organization determined by the Subversive Activities Control Board to be a "successor" organization. It further provides that the dissolution or reorganization of a communist-action or communist front organization shall not prevent the institution of proceedings against such organization before the Subversive Activities Control Board.

By letter dated 4/18/61 we advised the Deputy Attorney General that the enactment of legislation of this type would have no adverse effect on the operations of the Bureau. Legislation of this type is considered desirable.

PROSECUTIVE ACTION AGAINST THE CPUSA.

Several legal proceedings are pending against the CPUSA, its leaders, its members, and its front groups.

Internal Security Act of 1950

The Internal Security Act of 1950 (ISA-50), frequently referred to as the McCarran Act, provides that organizations determined by the Subversive Activities Control Board (SACB) to be communist-action organizations must register with the Attorney General of the United States. This registration includes, among other things, the filing of an annual report containing the names, addresses, and aliases of Party officers and members during the preceding 12 months. The law provides for devolving levels of compliance in the event the organization fails to register.

Prosecution of the Party as an Organization

On December 1, 1961, the CPUSA was indicted by a Grand Jury in the District of Columbia for failure to register by the deadline of November 20, 1961. This was a 12-count indictment, one count for failure to register on each of the 11 days since the deadline and one count for failure to file the registration statements. At a trial held in the United States District Court, Washington, D. C., in December, 1962, the Party was found guilty on each count. The Party filed an appeal in the United States Court of Appeals for the District of Columbia (DCCA).

The DCCA reversed the conviction on December 17, 1963, and ordered the case back to the United States District Court with instructions either to grant a new trial if the Government requested it or to enter a judgment of acquittal. The DCCA held (1) that the officers of the Party who should have signed the registration statements had validly claimed the privilege against self-incrimination and (2) that the Government had failed to show that there was someone available

to sign the statements who was willing to waive the privilege against self-incrimination or who would not have been incriminated by signing the statements.

The Government filed a petition with the DCCA on January 21, 1964, requesting that Court to rehear the matter while sitting en banc. This petition for a rehearing was denied by the DCCA on February 21, 1964. On April 21, 1964, the Government filed a petition with the Supreme Court for a writ of certiorari, and this petition was denied by the Supreme Court on June 8, 1964. A retrial of the case in the United States District Court in accordance with the December 17, 1963, decision of the DCCA is under consideration.

Prosecution of Party Officers

When the Party as an organization failed to register, the obligation fell upon certain designated officers. None of the designated Party officials complied by the November 30, 1961, deadline. Indictments were returned by a Grand Jury in Washington, D. C., on March 15, 1962, against Gus Hall and Benjamin Davis. Hall and Davis were arrested in New York City on March 15, 1962, and are currently on bail.

The United States District Court, Washington, D. C., on September 25, 1963, ordered the trials of Hall and Davis consolidated and then postponed a hearing on motions to dismiss the indictments and the setting of a trial date at least until the DCCA handed down a decision in the registration case against the Party as an organization. Although this decision, adverse to the Government, was rendered on December 17, 1963, no further action has been taken with respect to the Hall-Davis case.

The same Grand Jury that returned indictments against Hall and Davis subpoenaed Philip Dart, then National Organizational Secretary, and James Jackson, editor of "The Worker," and sought information from them under a grant of immunity. When Dart and Jackson refused to answer questions, they were adjudged in contempt. These convictions were reversed on

= =

procedural grounds by the DCCA. Bart was recalled before the Grand Jury on October 15, 1962, but again declined to answer relevant questions. On February 11, 1963, the Government moved to reinstitute proceedings to compel Bart to testify under a grant of immunity in accordance with the guidelines laid down by the DCCA. Meanwhile, Bart became ill. This matter is still pending.

Prosecution of Party Members

When the November 30, 1961, deadline for the designated officers to register passed without compliance, the obligation fell upon each member to register himself. The December 20, 1961, deadline for the registration of individual members also passed without compliance. However, no criminal action could be instituted until after the SACB had afforded the individual a hearing to determine Party membership and ordered him to register.

As of June 30, 1964, the Attorney General had petitioned the SACB to order 37 individuals to register as CP members. None complied and thus far 36 have been afforded hearings by the SACB. Twenty-eight have been ordered to register and appeals had been filed in the DCCA in 25 of these 28 cases as of June 30, 1964.

Two of these membership cases, William Albertson and Roscoe Quincy Proctor, were consolidated for purposes of appeal, and the Government and defense counsel stipulated that they would be bound, in the other 23 cases in which appeals have been filed, by the appellate decision in this consolidated case. The Albertson and Proctor case was argued before the DCCA on October 28, 1963. On April 23, 1964, the DCCA upheld the registration orders against Albertson and Proctor. The Party plans to request the Supreme Court to review this decision of the DCCA. *

Sanctions Imposed by the ISA-50

In addition to its registration requirements, the ISA-50 provides for several sanctions against members of a communist

* The petition for review was filed July 13, 1964.

organization which has registered or against which there is outstanding a final registration order. Therefore, when the order of the SACB that the CPUSA must register with the Attorney General became final on October 20, 1961, certain provisions of the Act regarding passports, employment, and labeling became effective.

Passport Proceedings

Section 6 of the ISA-50, for example, makes the application for use of, or attempted use of a United States passport punishable by a prison sentence of up to five years and/or a fine not to exceed \$10,000. When this Section became effective, CPUSA National Chairman Elizabeth Gurley Flynn and CPUSA National Committeeman Herbert Aptheker held valid passports. The Secretary of State, after hearings before a State Department Passport Board and a review of the Board of Passport Appeals, ordered their passports revoked.

Flynn and Aptheker filed a civil action to enjoin the revocation of their passports. Both parties to this suit agreed on May 1, 1963, to submit it to a three-judge court, a procedure which would allow a direct appeal to the United States Supreme Court for an early ruling on the constitutionality of this Section of the law. On July 12, 1963, the three-judge court upheld the constitutionality of this Section. The United States Supreme Court, on December 2, 1963, agreed to review this decision. Oral argument was heard before the Supreme Court on April 21, 1964.

On June 22, 1964, the Supreme Court held that Section 6 of the ISA-50 is unconstitutional because it abridges the liberties granted by the due process clause of the fifth amendment to the United States Constitution by too broadly and indiscriminately restricting the right to travel.

The Supreme Court decision of June 22, 1964, will undoubtedly affect the pending cases of Zena Druckman and Hyman Seigel. Druckman was indicted and arrested in October, 1963, for applying for a United States passport while a member of the CPUSA with

knowledge that a final order had been issued requiring the Party to register. Seigel was indicted and arrested on February 13, 1964, for using a United States passport while a member of the CPUSA with knowledge that a final order had been issued requiring the Party to register.

Employment Sanction

A Party member is prohibited by Section 5 of the ISA-50 from concealing or failing to disclose his membership in seeking, accepting, or holding employment in any "defense facility" so designated by the Secretary of Defense. On May 21, 1963, Eugene Frank Robel was arrested in Seattle, Washington, after he was indicted for violation of this Section. He entered a plea of not guilty and is at liberty on bond. This case will be affected by the Supreme Court decision in the Flynn and Aptheker case and by the decision in the Artie Brown case commented upon hereinafter.

Labeling Provision

The ISA-50 also requires that any publication or other documentary material transmitted through the mails by a communist-action organization or any radio or television program of a communist-action organization must be labeled as emanating from such an organization. As of June 30, 1964, no Party publication had complied with this labeling provision. However, "Political Affairs" has characterized itself as "Theoretical Organ of the Communist Party, USA," since 1962, and "Communist Viewpoint" carries the statement "Publication of the Youth Division, Communist Party, USA," in its masthead.

Proceedings against Front Groups

The ISA-50 requires communist front organizations as well as communist-action organizations, such as the CPUSA, to register with the Government. By June 30, 1964, the Attorney General had petitioned the SACB to order 22 front groups to register.

Of these 22 petitions, eight were dismissed due to the dissolution of the organizations.

With the sole exception of Advance Youth Organization, SACB hearings have been completed in the other cases and the organizations were ordered to register. While the SACB hearings for Advance Youth Organization have been completed, the recommended decision has not been handed down. In seven cases, no further action is contemplated due to the defunct nature of the organizations. In three other cases, the Court of Appeals remanded the cases to the SACB to be placed in indefinite abeyance due to the present nonexistence of the organizations. The Court of Appeals set aside the registration order issued to the National Council of American-Soviet Friendship while holding that the Government failed to show by a preponderance of evidence that the organization is substantially directed, dominated, or controlled by a communist-action organization.

On December 17, 1963, the DCCA upheld the SACB registration orders pertaining to the American Committee for Protection of Foreign Born and the Veterans of the Abraham Lincoln Brigade. The Supreme Court, on April 27, 1964, granted a petition for writ of certiorari to the American Committee for Protection of Foreign Born. The Veterans of the Abraham Lincoln Brigade filed a petition for writ of certiorari with the Supreme Court on May 5, 1964. This petition was granted on June 22, 1964.

Smith Act of 1940

The Smith Act proscribes (1) knowingly advocating or teaching the overthrow of Government by force or violence; (2) publishing or circulating written or printed material with intent to cause such overthrow; (3) attempting to organize a group of persons who teach, advocate, or encourage such overthrow; and (4) becoming a member of an organization with knowledge that the organization advocates such overthrow.

As a result of decisions by the Supreme Court on June 7, 1957, and June 5, 1961, which established new evidentiary

standards which must be met by the Government in Smith Act prosecutions, the effectiveness of this Act has been largely nullified. One conspiracy indictment is still outstanding in Denver, Colorado.

Communist Control Act of 1954

As a result of hearings it had held, the SACB, on May 4, 1962, rendered a decision declaring the International Union of Mine, Mill and Smelter Workers (IUMSW) to be "communist-infiltrated" as defined in the Communist Control Act of 1954. The Union filed a petition in the DCCA on June 29, 1962, requesting the Court to review and set aside the determination of the SACB. The Court has not rendered a decision on this petition.

Meanwhile, on May 31, 1962, the IUMSW filed a petition with the SACB requesting that a new determination be made that the Union is not now "communist-infiltrated." Following hearings it had conducted, the SACB, on December 12, 1963, entered an order dismissing the IUMSW petition for a redetermination. The IUMSW filed a petition with the DCCA on February 14, 1964, requesting the Court to review and set aside this order of the SACB. The Court has not rendered a decision on this petition.

Labor Management Relations Act, 1947

In addition to the above action against the IUMSW, six present or former officials of the Union were convicted on September 20, 1963, for conspiring to defraud the Government by illegally obtaining the facilities of the National Labor Relations Board through the filing of false noncommunist affidavits. Under the provisions of the Labor Management Relations Act, 1947, (LMRA), certain union officials were required to file noncommunist affidavits. Each of these six individuals was sentenced to serve three years' imprisonment and fined \$2,000. The six defendants have appealed their conviction, and this appeal is pending. The LMRA has been replaced by the Labor-Management Reporting and Disclosure Act of 1959.

Labor-Management Reporting and Disclosure Act of 1959

Section 504 of the Labor-Management Reporting and Disclosure Act of 1959, which became effective September 14, 1959, prohibits persons who have been members of the CPUSA within five years from holding certain positions in the labor and management fields. Artie Brown, well-known CPUSA leader in San Francisco, California, was convicted on April 5, 1962, for violation of Section 504 of this Act and was sentenced to serve six months in the custody of the Attorney General. Brown appealed.

On June 19, 1964, the 9th Circuit Court of Appeals, San Francisco, reversed the conviction of Brown and remanded the case to the United States District Court, San Francisco, with instructions to dismiss the indictment. The Circuit Court held Section 504 unconstitutional, since it infringes on the freedom of association guaranteed by the first amendment and violates the due process clause of the fifth amendment. The Government can petition the United States Supreme Court to review this decision.

Illegal Travel

The Government, on June 23, 1963, moved to prosecute the first case involving illegal departure from the United States to Cuba. On that date, Helen Maxine Levi Travis, who has been affiliated with the CPUSA since the early 1940's, was indicted by a Federal Grand Jury in Los Angeles, California. Travis was charged with two counts for traveling to Cuba in January and August, 1962, without proper validation from the United States Department of State, in violation of Title 8, Section 1185 (b), United States Code.

On October 30, 1963, a U. S. District Court judge denied a motion to dismiss the indictment. Trial was held in the U. S. District Court for the Southern District of California on May 14, 1964, and Travis was found guilty on both counts. On June 23, 1964, Travis was fined \$1,000, given a suspended six-month sentence, and placed on probation for two years. Travis has indicated she will appeal.

UNITED STATES GOVERNMENT

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TO : Mr. Tolson

DATE: August 5, 1964

FROM : J. H. Gale *JHG*

SUBJECT: AMERICAN BAR ASSOCIATION ANNUAL MEETING
NEW YORK, NEW YORK; AUGUST 7-13, 1964
PROPOSED PRESS RELEASE RE DANGERS OF
PEACEFUL COEXISTENCE

Morris I. Leibman, Chairman of the ABA Standing Committee on Education Against Communism, has forwarded a copy of a press release which the ABA President, Walter E. Craig, plans to make at noon on Friday, 8-7-64, at the opening of the Eighty-seventh Annual Meeting of the ABA. This press release will emphasize the dangers in the Soviet doctrine of peaceful coexistence and point up the fact that there is little evidence of any difference between Khrushchev's goals and those of Stalin's and Mao-Tse-tung's; that "peaceful coexistence" is a Soviet strategy rather than an end in itself.

This press release will be the means of announcing a publication of the Standing Committee on Education Against Communism which will be released thereafter. The publication is entitled, "Peaceful Coexistence - A Communist Blueprint for Victory." An advance copy is attached. As Bureau files will indicate, the Bureau was given an opportunity to review and suggest changes in this publication when it was in draft form. The publication should be a very timely one.

Inspector Edwards, who is a member of the Leibman Committee, will arrange to obtain additional copies of this publication as soon as it is available.

ACTION:

Information.

Enclosures

1 - Mr. DeLoach
1 - Mr. Sullivan

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(4)

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Related Meetings

- Aug. 3-Aug. 8 National Conference of Commissioners on Uniform State Laws, Barbizon Plaza
- Aug. 5-Aug. 8 Conference of Chief Justices, Roosevelt Hotel
- Aug. 6-Aug. 14 American Law Student Association, Biltmore Hotel
- Aug. 7-Aug. 9 National Association of Women Lawyers, Waldorf-Astoria
- Aug. 7-Aug. 9 National Conference of State Trial Judges, Waldorf-Astoria
- Aug. 7-Aug. 10 National Conference of Bar Executives, The Summit
- Aug. 8-Aug. 9 National Conference of Bar Presidents, Waldorf-Astoria

87th Annual Meeting
AMERICAN BAR ASSOCIATION

August 10-14, 1964

The Waldorf-Astoria

New York

NEWS ROOM

Gold Room, 18th Floor
The Waldorf-Astoria
Opening Aug. 3

CONTACTS:

Don Hyndman
Harry Swegle

INQUIRIES:

Prior to news room opening, to Don Hyndman,
Director of Public Relations, American Bar
Association, 1155 East 60th St., Chicago 37, Ill.

DIRECT NEWS ROOM PHONES: 755-2090 755-2091 755-2092 755-2093 755-2094

For Release at Noon, Friday, August 7

AMERICAN BAR STUDY WARNS OF DANGERS IN PEACEFUL COEXISTENCE

New York, New York -- A publication released by the American Bar Association today detailing a study of Communist documents as they relate to "peaceful coexistence" shows that the cold war is by no means over -- in fact it may be entering a more dangerous phase.

Scholars reporting to a Committee of the Association find little evidence that Khrushchev's goals are different from those of Stalin or Mao-Tse-tung, and that in reality, "peaceful coexistence" to the Kremlin is a strategy, not an end in itself.

These and other findings of the study, entitled PEACEFUL COEXISTENCE: A COMMUNIST BLUEPRINT FOR VICTORY, were discussed at a press conference today by President Walter E. Craig and other officials of the ABA, now gathering in New York for the Association's annual meeting which opens Monday at the Waldorf-Astoria.

The study of "peaceful coexistence", an in-depth analysis based on articles and documents of the international Communist movement, was prepared by Richard V. Allen at the request of the ABA's Standing Committee on Education Against Communism. Allen is a specialist in Sino-Soviet affairs at the Center for Strategic Studies at Georgetown University in Washington, D. C.

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More than 90 per cent of the materials used are dated after the Cuban missile crisis of October, 1962.

Craig said that "scrutiny of these documents and quotations shows conclusively that Communism has in no meaningful way altered its long-term strategic goals. There is no question but that our country wishes to live in peace with the world, but the kind of 'peaceful coexistence' which Communism offers would spell the doom of human dignity and individual freedom."

The coexistence slogan has been used by the Communists in the past with some success, but now has much deeper meaning for Communists everywhere, Craig said. The essential difference, he added, is that "formerly it was a defensive slogan, a stalling tactic; now it signifies that the Communists, through shifts in the 'world correlation of forces,' have gone over to the strategic offensive."

The study notes that it was in the most intense period of 'peaceful coexistence' that such non-peaceful events as the Cuban missile build up and the Berlin Wall occurred. The study suggests we should be mindful of Khrushchev's own definition of coexistence, given in 1961. At that time, Khrushchev described it as "a form of intense economic, political, and ideological struggle against the aggressive forces of imperialism in the international arena." This definition is for Communists as valid today as when it was pronounced.

Chicago attorney, Morris I. Leibman, Chairman of the Standing Committee, said that the study represents part of the Committee's efforts to provide quality programs of education on the multi-faceted aspects of Communist tactics, strategy and objectives. "All of us have a priority responsibility -- to study and

understand Communism's philosophy and strategy," he said. "It is the purpose of the Committee to make available quality research in these areas on a continuing basis. 'Peaceful coexistence' as the Russians define it is not synonymous with 'peace' as we understand it. The distinction is important to all who would preserve freedom."

The study states that the stakes in the kind of competition the Communists allegedly want were set by the Communists themselves, not the United States or the free world. Those stakes are simply the freedoms which we have fought so hard and so long to defend. The Communists never tire of stressing that the struggle "cannot be dissolved by international agreement. For this struggle to cease, the causes eliciting it must be eliminated, i. e. , capitalism must be liquidated."

While nuclear war has officially been ruled out for the time being as an instrument of national policy, the study notes, the Communists continue to recognize it as a possibility "if attacked by the NATO imperialists and warmongers." At the same time, they enthusiastically give both material and ideological support to "wars of national liberation" as in South Viet Nam and Laos.

According to Communist doctrine, the study says, a "just war" is any one in which Communists are involved.

"The great paradox of our time," the study adds, "may well turn out to be our inability to recognize that the cold war has in reality become more intense despite the increasing appearances of peace. It need not be emphasized that the overwhelming sentiment of the free world is to live in peace. But to mistake the illusion of peace for genuine peace would be a profoundly dangerous, perhaps fatal mistake."

Members of the American Bar Association's Standing Committee on Education Against Communism are:

H. Lynn ~~Edwards~~, Washington, D.C.

Louis ~~B. Nichols~~, New York, N. Y.

Egbert L. ~~Haywood~~, Durham, N. C.

Mario ~~T. Noto~~, Washington, D.C.

John G. ~~McKay~~, Jr., Miami, Fla.

C. ~~Brewster Rhoads~~, Philadelphia, Pa.

Raymond W. ~~Miller~~, Washington, D.C.

John ~~Ritchie~~, Chicago, Ill.

William G. ~~Mott~~, Washington, D.C.

Jackson A. ~~Wright~~, Columbia, Mo.

Enclosure to memorandum J. H. Gale to Mr. Tolson dated 8-5-64
captioned "American Bar Association Annual Meeting, New York, New York,
August 7 - 13, 1964; Proposed Press Release re Dangers of Peace
Coexistence," HLE:m.m.

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PEACEFUL COEXISTENCE

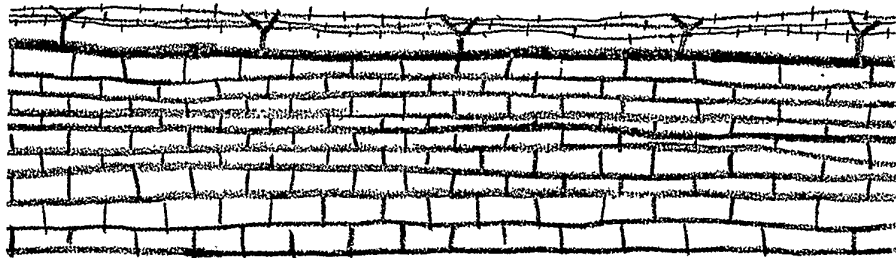
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Communist Blueprint for Victory



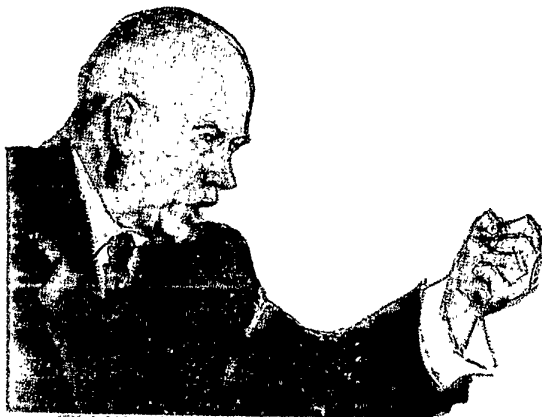
... to uphold and defend the Constitution
of the United States and maintain representative
government... [ABA CONSTITUTION, ARTICLE I]

**AMERICAN BAR ASSOCIATION—STANDING COMMITTEE
ON EDUCATION AGAINST COMMUNISM**



"...to uphold and defend the Constitution
of the United States and maintain representative
government..." [ABA CONSTITUTION, ARTICLE I]

**AMERICAN BAR ASSOCIATION—STANDING COMMITTEE
ON EDUCATION AGAINST COMMUNISM**



UNITED STATES GOVERNMENT

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TO : Mr. W. C. Sullivan *WCS/mas*

FROM : Mr. F. J. Baumgardner *FJB*

SUBJECT: *BP* AMERICAN BAR ASSOCIATION
ANNUAL MEETING
NEW YORK, NEW YORK
AUGUST 10-14, 1964

DATE: July 27, 1964

At the request of Inspector H. L. Edwards, there is attached data pertaining to the political activities of the Communist Party, USA (CPUSA), for possible use at the annual meeting of the American Bar Association to be held in New York City August 10-14, 1964.

The information in the attached memorandum was either obtained from public source material or is information of general knowledge throughout the CPUSA. The attached material covers: (1) the CPUSA's objectives in its political activities; (2) the soliciting by the CPUSA of all 50 states as to the steps necessary to place communist candidates on the ballot and to establish write-in candidates; (3) the responses the CPUSA received from some states; (4) the fact that a District CPUSA functionary running as an independent candidate in a June, 1964, California local election received approximately 15% of the total vote cast; (5) the CPUSA has reconsidered its plans to have its national functionaries appear as presidential and vice presidential write-in candidates in view of the selection of Senator Goldwater as a presidential candidate; (6) the CPUSA plans to concentrate on the defeat of Goldwater, but has indicated it will run candidates in local elections; and (7) a District CPUSA functionary has publicly announced his candidacy for Governor of the State of Washington.

RECOMMENDATION:

That this memorandum and the attachment be routed to Inspector Edwards.

Enc.
94-1-369

- 1 - Mr. Belmont
- 1 - Mr. H. L. Edwards
- 1 - Mr. Sullivan
- 1 - Mr. Baumgardner
- 1 - Mr. Huelskamp
- 1 - Mr. Shaw

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1 - Mr. Belmont
1 - Mr. H. L. Edwards
1 - Mr. Sullivan
1 - Mr. Baumgardner
1 - Mr. [redacted]
1 - Mr. Shaw

July 27, 1964

COMMUNIST PARTY, USA
POLITICAL ACTIVITIES

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Communist Party, USA (CPUSA), leaders regard political activity in relation to the 1964 elections as a tactic to achieve many objectives. While they would rejoice over a successful campaign for public office by a communist, they also look to political activity to obtain other benefits. Party functionaries are confident that active Party participation in the 1964 political campaign will afford the CPUSA opportunities to assert that the Party is a legitimate political party, to lend the Party an aura of respectability, to obtain publicity, to reduce the Party's isolation from the mainstream of society, to influence vital issues of the day, to distribute Party propaganda, to present the Party program to the electorate, to gain practical experience, and to advance the cause of communism.

It did not take the CPUSA long to devise measures to take full advantage of the fact that 1964 is a presidential election year. As early as January, 1964, CPUSA Legislative Director [redacted] who frequently refers to himself as CPUSA Public Relations Director in correspondence with noncommunists, sent letters to the attorneys general and the secretaries of state of each of the 50 states. In these letters, [redacted] asked what steps were necessary to place communist candidates on the ballot and what proceedings were required to establish write-in candidates.

By May, 1964, [redacted] claimed he had received replies from 44 states and stated proudly that his requests were treated in a respectful and serious manner and that he had been sent copies of the election laws in those states. It is known, however, that [redacted] received a varied response. Connecticut, for example, told [redacted] that it was crystal clear that the CPUSA has no right to be on the ballot in that

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NOTE: See memorandum Mr. Baumgardner to Mr. W.C. Sullivan, 7-27-64, captioned "American Bar Association, Annual Meeting, New York, New York, August 10-14, 1964," WGS:pwd.

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Communist Party, USA

state. Arkansas submitted a similar reply and labeled [] letter as a hypocritical inquiry. Idaho refused to advise the Communist Party as to its rights in that state and directed [] to seek advice from the CPUSA lawyers. Arizona replied that a 1961 law bars communists from that state's election ballots and added, "The subversive nature of your organization is even more clearly designated by the fact that you do not even include your ZIP code on your letter."

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It can be expected that the CPUSA will make every effort to run communists for public office either as Communist Party candidates or as independents. A typical example was the candidacy of [] Vice Chairman of the Party's Southern California District. [] publicly identified himself as a communist while running in the California primary as an independent candidate for the Board of Supervisors of Los Angeles County. In commenting on [] candidacy, [] remarked that it was treated seriously and respectfully by radio and television commentators and by the press. Although [] was defeated, he rolled up an impressive 33,576 votes, or some 15 per cent of the total vote cast for this office on June 2, 1964.

CPUSA leaders viewed [] candidacy as a thaw in the political climate and publicly announced their intention to conduct a write-in campaign in the November, 1964, state and national elections.

The Party's decision and plans to further its aim to assert the CPUSA as a legitimate political party by means of having CPUSA General Secretary Gus Hall appear as a write-in candidate for President of the United States and CPUSA Vice Chairman Claude Lightfoot as a write-in candidate for Vice President were reconsidered following the selection of Senator Barry Goldwater by the Republican Party as its presidential candidate. CPUSA leaders have now decided to concentrate their efforts on mobilizing all anti-ultraright forces to insure the defeat of Goldwater. However, they indicated that they would go ahead with plans to run candidates in local elections. In this connection, Milford A. Sutherland, a functionary of the

Communist Party, USA

CPUSA Northwest District, publicly announced on July 14, 1964, his candidacy for Governor of the State of Washington, stating that his candidacy is designed to combat the concept that communism is the enemy of the people. Suthorland indicated that the state loyalty affidavit required of political candidates will stand in his way of filing for Governor, and he is preparing to challenge this restriction in court.

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. J. H. Gale

DATE: August 6, 1964

FROM : H. L. Edwards

SUBJECT: MORRIS I. LEIBMAN
CHAIRMAN, AMERICAN BAR ASSOCIATION
STANDING COMMITTEE ON EDUCATION AGAINST COMMUNISM

AMERICAN BOOK EXCHANGE

By memorandum 6-10-64 Mr. Sullivan attached a copy of a very well-written letter in which Mr. Leibman came to the Director's defense and denounced Loudon Wainwright's criticism of the Director in the 5-22-64 issue of Life Magazine. By letter of 6-12-64 the Director expressed his appreciation to Leibman.

Leibman has now forwarded a copy of Life's reply to him (attached). It is dated 7-16-64 and written by Mabel H. Schubert for the Editors. It is largely routine and rests on the defense that Wainwright speaks for himself rather than for Life Magazine. The Life letter does not make any commitment to publish Leibman's letter but brushes the matter off by indicating "Within the limits of the space in our Letters Column, we'll be publishing readers' comments."

Life's position in disclaiming any responsibility for the expressions of one of its own staff reporters, writers, and editors is certainly an untenable one.

ACTION:

Information.

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HEREIN IS UNCLASSIFIED
DATE 2/24/94 BY 9803 RDD/JC

Enclosure

1 - Mr. Sullivan

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CHAIRMAN
Morris I. Leibman
Lynn Edwards
Edward L. Haywood
John G. McKay, Jr.
Raymond W. Miller
William C. Mott
Louis B. Nichols
Mario T. Noto
C. Brewster Rhoads
John Ritchie
Jackson A. Wright

AMERICAN BAR ASSOCIATION

ADMINISTRATIVE ASSISTANT
F. J. McGuire

1155 East 60th, Chicago, Illinois 60637

Telephone (312) 493-0533

COUNSEL

B. P. Atterbury

CONSULTING PROGRAM MANAGER
Frank R. Barnett

July 22, 1964

MEMO TO ALL COMMITTEE MEMBERS AND STAFF

Dear friends and colleagues:

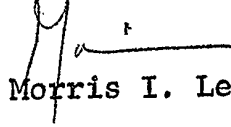
You will recall that some weeks ago I called your attention to a denigrating article on Director Hoover, which appeared in LIFE Magazine on May 22, 1964. At that time I sent you a copy of my letter to the Editor registering strong exception to the tone and tenor of the article.

I thought you would like to see the reply I have just received from LIFE dated July 16th, a copy of which is attached.

Kindest personal regards.

ALL INFORMATION CONTAINED
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DATE 2/24/94 BY 9803 RDD/JC

Sincerely,


Morris I. Leibman

MIL:db
Enclosure

cc: President Walter E. Craig
President-Elect Lewis F. Powell, Jr.
Dan H. Shell, Esq.

XEROX
AUG 18 1964

94-1-369-1414

ENCLOSURE

LIFE

TIME & LIFE BUILDING
ROCKEFELLER CENTER
NEW YORK 20

PUBLISHER'S OFFICE
JUDSON 6-1212

July 16, 1964

Dear Mr. Leibman:

Please forgive this delayed reply to your letter. Naturally we regret your feelings about Loudon Wainwright's column, "The View from Here," published in LIFE, May 22nd, but we appreciate having your views.

As you may know, Mr. Wainwright's column is a recent addition to LIFE. In introducing it, LIFE's Managing Editor George Hunt said in his Editor's Note, published March 27:

A second new department in LIFE is The View from Here, a column by Loudon Wainwright. Wainwright has worked for LIFE for 15 years as a reporter, staff writer and editor. His stories on the Astronauts, particularly the moving account of Annie Glenn during her husband's historic flight, are among his most memorable articles.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/24/94 BY 9803 RDD/SC

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The new column will be one of personal comment, and its intent is to say how things feel, not to all of us but to one of us. Wainwright's feelings about the film Dr. Strangelove (not entirely shared by his editors) were the subject of his first column two weeks ago. Last week's column was called "A Dignified Loser Drops One More," the loser being Harold Stassen. The View from Here will usually appear every other week, alternating with the Special Report.

Just as this column is one of personal comment, intended to let our readers know how things feel to one of our staff members, so we're glad to have your own views in exchange. Within the limits of the space in our Letters Column, we'll be publishing readers' comments. In this case, we gave prominence to a wide range of response, including letters from Emmett C. McGaughey, President of the Society of Former Special Agents of the FBI, Inc. and Henry L. Sloan of the FBI Academy, Quantico in our June 12 Letters Column.

Sincerely yours,

XEROX
AUG 13 1964

MHS/ak

For the Editors

94-1-369-1414
ENCLOSURE

F B I

Date: 8/4/64

Transmit the following in _____
(Type in plain text or code)Via AIRTEL _____
(Priority or Method of Mailing)

Mr. Tolson	_____
Mr. Belmont	_____
Mr. Mohr	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. DeLoach	_____
Mr. Evans	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

TO: DIRECTOR, FBI (105-82555)

FROM: LEGAT, MEXICO (105-3702) (P)

SUBJECT: IS - R - CUBA AKA

Re Dallas telephone call to Mexico City 7/24/64, advising that Mr. WALTER E. CRAIG, President of the American Bar Association, would be in Mexico City and that in connection with Mr. CRAIG's work with the President's Commission he should be contacted here and extended courtesies.

Mr. CRAIG was contacted at his hotel on 7/24/64 following his arrival in Mexico City from Guadalajara. At that time he was most high in his praise of SAC J. GORDON SHANKLIN and Agents of the Dallas Office for assistance rendered him while in Dallas. He advised that he was expecting the arrival in Mexico City of several other members of the American Bar Association who had been assisting the President's Commission and he preferred to await their arrival before discussing the ramifications of the _____ case in Mexico.

The writer again met with Mr. CRAIG on 7/27/64, at which time also were present Mr. LEWIS F. POWELL, JR., President-elect of the American Bar Association, Mr. CHARLES S. RHYNE of the District of Columbia, and Mr. EDWARD L. WRIGHT of Arkansas. Mr. CRAIG assured that these three men had all been working very closely with the President's Commission and their conversation indicated that they were quite familiar with the _____ case.

6 - Bureau
 (1 - Liaison Section)
 (2 - Dallas, 100-10461)
 1 - Mexico City
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ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
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SOVIET SECTION

64 AUG 20 1964

Approved: _____

Special Agent in Charge

Sent _____

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Per _____

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At the request of Mr. CRAIG the writer gave them a brief oral summary with regard to [redacted] known movements and contacts in Mexico. Mr. CRAIG and the others expressed their appreciation for the information.

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Mr. CRAIG was asked as to whether he and the others would be interested in seeing such places as the hotel where [redacted] stayed in Mexico City, the travel agency where he purchased his bus ticket, and general areas in the neighborhood of the Cuban and Soviet Embassies here. He replied that he did not feel this was necessary. It might be noted that Mr. CRAIG and the others were in Mexico City primarily for the purpose of attending the meeting of the International Bar Association and it was the writer's impression gained from conversation with them that they only desired the oral briefing in order to be in a position to answer any questions which might be raised by members of the President's Commission following the return of Mr. CRAIG and the others to Washington.

Mr. CRAIG and the others appeared to be completely friendly and well-disposed toward the Bureau. No information of particular interest to the Bureau was obtained from them other than the fact that Mr. CRAIG mentioned that the Commission was trying to finish its report by 8/7/64. He expressed a strong doubt that this would be accomplished.

[redacted] Mr. CRAIG made no additional requests concerning the case during the remaining few days that he was in Mexico.

With regard to the pending request of the President's Commission made through the U. S. State Department and the Embassy here to the Mexican Foreign Office for permission to publish material supplied by the Mexican Government in an official report, the following is submitted for the Bureau's information.

Through Foreign Secretary JOSE GOROSTIZA the Mexican Government has informally indicated to Ambassador FULTON FREEMAN that it has no objection to the publication of information contained in its official report and accompanying documents with the one exception of the publication of the signed statement given to the Mexican Government by SILVIA TIRADO DE DURAN. From statements made by GOROSTIZA to the Ambassador, it would appear that the Mexican Government is fearful that publication of DURAN's statement in the President's Commission's report might lead to repercussions with the Cuban Government, with which Mexico still maintains diplomatic relations. The Bureau

MC 105-3702

will recall that the Cuban Government tried to deliver a strong note of protest to the Mexican Government following the detention and interrogation of DURAN by Mexican police officials in November, 1963. The Mexican Government rejected this note on the grounds that DURAN is a Mexican citizen and that the Cuban Embassy had not notified the Mexican Foreign Office officially that she was an employee of the Cuban Embassy here.

On 8/4/64 Mr. [REDACTED] Counselor for Political Affairs, advised that Ambassador FREEMAN had again seen Foreign Secretary GOROSTIZA on 8/3/64, at which time GOROSTIZA advised that he is making a further study of the DURAN statement and hopes to be able to approve publication of the pertinent parts of the statement which have to do with OSWALD's contact with the Cuban and Soviet Embassies here.

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The above is submitted for the Bureau's information.

Two extra copies of this airtel are attached for forwarding by the Bureau to Dallas, the office of origin.

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August 17, 1964

PERSONAL

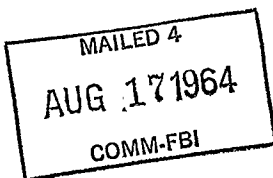
AP
Honorable Edward W. Kuhn
Post Office Box 123
Memphis 1, Tennessee

Dear Mr. Kuhn:

I would like to take this means to extend
my heartiest congratulations on your election as
President-elect of the American Bar Association.

This is certainly an indication of the
confidence in which you are held by your colleagues,
and I know you will serve them well in this capacity. You
have our best wishes for all possible success, and we hope
you will not hesitate to call on us whenever we can be of
assistance in connection with your new duties.

Sincerely yours,
J. Edgar Hoover



Aug 17 5 14 PM '64
REC'D-READING ROOM
FBI

1 - Memphis

NOTE: Mr. Kuhn is on the Special Correspondents' List.
CJJ:dll (4)

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FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

AUG 12 1964

TELETYPE

Mr. Tolson ☒
Mr. Belmont ☒
Mr. Mohr ☒
Mr. Casper ☒
Mr. Callahan ☒
Mr. Conrad ☒
Mr. DeLoach ☒
Mr. Evans ☒
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Mr. Rosen ☒
Mr. Sullivan ☒
Mr. Tavel ☒
Mr. Trotter ☒
Tele. Room ☒
Miss Holmes ☒
Miss Gandy ☒

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FBI NEW YORK

11-10 PM DEFERRED 8-12-64 DAE

TO DIRECTOR -5- N

GTT. ASSISTANT DIRECTOR GALE.

FROM INSPECTOR H. L. EDWARDS.

AMERICAN BAR ASSOCIATION, EIGHTY SEVENTH ANNUAL MEETING, NYC.

THIS IS SUMMARY OF PERTINENT ITEMS IN SESSIONS, WEDNESDAY, AUGUST TWELVE.

PRESIDENT JOHNSON ADDRESSED ABA ASSEMBLY INSTANT DATE AND MADE CLEAR HIS INTENTION TO ENFORCE THE CIVIL RIGHTS LAW AND ADMONISHED ALL CITIZENS TO OBSERVE IT. HE STATED THAT WHILE THERE IS NO PLACE IN OUR SYSTEM FOR NATIONAL POLICE FORCE THAT WHERE HELP IS NEEDED OR FEDERAL LAW IS VIOLATED, THE FEDERAL GOVERNMENT WILL BE THERE. HIS SPEECH RECEIVED EXCELLENT REACTION, MANY WERE IMPRESSED BY THE HARD HITTING AND UNEQUIVOCAL TONE OF HIS EXPRESSED INTENTION NOT TO TOLERATE CIVIL DISOBEDIENCE, WHETHER IT BE BY HOODED NIGHT RIDERS ON THE HIGHWAYS OR HOODLEMS IN THE STREETS. SUBSEQUENT TO PRESIDENT JOHNSON'S SPEECH ABA PRESIDENT WALTER E. CRAIG OUTLINED PROGRESS OF THE PROGRAM SPONSORED BY ABA STANDING COMMITTEE ON EDUCATION AGAINST COMMUNISM.

END PAGE ONE.....

148 60 AUG 26 1964

MR. MOHR FOR THE DIRECTOR

PAGE TWO.....

CRAIG REFERRED TO COMMITTEE PRESENTATIONS IN WHICH OUTSTANDING SPEAKERS INCLUDING ASSISTANT DIRECTOR WILLIAM C. SULLIVAN HAD PARTICIPATED.

CRAIG ALSO ACKNOWLEDGED THE SERVICES RENDERED BY THE DIRECTOR TO ABA-S PROGRAM AND CITED AS A PRIMARY SOURCE MATERIAL ON COMMUNISM, THE DIRECTOR-S BOOK "A STUDY OF COMMUNISM". A TAPED SPEECH BY FORMER PRESIDENT EISENHOWER WAS ALSO PRESENTED IN WHICH THE FORMER PRESIDENT ADVOCATED THAT ABA CONTINUE AND IF POSSIBLE INCREASE ITS EFFORTS TO AFFORD AMERICAN PEOPLE EDUCATION CONCERNING COMMUNISM.

IN THE HOUSE OF DELEGATES SESSION WHICH CONVENED IN THE MORNING, THE CHAIRMAN OF THE INTERNATIONAL AND COMPARITIVE LAW SECTION OFFERED A RESOLUTION THAT THE ABA SUPPORT HR BILL SEVEN SEVEN ZERO ZERO WHICH^{ich} ELIMINATE NATIONAL ORIGIN AS A BASIS FOR IMMIGRATION AND ALLOW EACH COUNTRY TO BE TREATED EQUALLY. FORMER CONGRESSMAN FROM TEXAS EDWARD GOSSARD ROSE IN OPPOSITION AND STATED THE BILL WAS POLITICALX IN

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PAGE THREE.....

NATURE AND WOULD OPEN THE FLOODGATES FOR MILLIONS OF ALIENS. GENERAL FRANKLIN RITER, RETIRED , UTAH, STATED ABA SHOULD STAY OUT OF CONTROVERSY. A LONG DEBATE ENSUED AND A MOTION WAS APPROVED TO TABLE THE RESOLUTION.

CHAIRMAN OF THE FEDERAL JUDICIARY COMMITTEE URGED ABA MEMBERS THROUGH LOCAL BAR ASSOCIATIONS TO ENDEAVOR TO RECEIVE COMMITMENT FROM THEIR SENATORS THAT SENATORS WILL NOT FOSTER APPOINTMENTS TO BENCH WITHOUT ABA APPROVAL OF CANDIDATE.

CHAIRMAN OF CIVIL RIGHTS GROUP URGED MEMBERS OF ABA TO IMPLEMENT THE PRINCIPALS OF OBSERVANCE OF THE LAW AND INSIST ON CIVIL OBEDIENCE. IN A SEPARATE MEETING, CRIMINAL LAW SECTION, PRESIDED OVER BY JAMES V. BENNETT, DIRECTOR OF BUREAU PRISONS, CONCERNED ITSELF WITH THE TOPIC OF GUN LEGISLATION. THERE WAS GENERAL AGREEMENT AMONG THE PANELISTS EXCEPT FOR A STRONG DISSENT BY NATIONAL RIFLE ASSOCIATION REPRESENTATIVES THAT SOME LEGISLATION COULD BE HELPFUL IN THIS

END PAGE THREE.....

PAGE FOUR.....

AREA, BUT AS TO DEGREE AND METHOD OF PROCEDURE TO REACH DESIRED END, THERE WAS WIDE AND VEHEMENT DISAGREEMENT. APPARENTLY, THE NATIONAL RIFLE ASSOCIATION HAS AUGMENTED ITS STAFF AND IS ENGAGED IN AN ALL-OUT LOBBYING AND EDUCATIONAL CAMPAIGN TO OPPOSE AND FORESTALL SUCH LEGISLATION. EDWARDS WAS TOLD ON A CONFIDENTIAL BASIS BY A WASHINGTON ATTORNEY ATTENDING THIS MEETING, THAT SUCH ATTORNEY HAD BEEN INFORMED BY AN EMPLOYEE OF THE NATIONAL RIFLE ASSOCIATION, WASHINGTON OFFICE, THAT THEY HAD ENLARGED THEIR OFFICE SPACE TO ACCOMMODATE A SIZEABLE INCREASE IN PERSONNEL TO HELP IN THIS FIGHT.

ON TUESDAY EVENING, AUGUST ELEVEN , L. B. NICHOLS HELD A COCKTAIL PARTY IN THE RECEPTION QUARTERS OF SCHENLEY. THE AFFAIR WAS SUBSIDIZED COMPLETELY BY SCHENLEY, BUT HELD IN THE NAME OF THE ABA CRIMINAL LAW SECTION AND INVITATIONS WERE EXTENDED TO ALL KEY ABA PERSONNEL AND MANY PROMINENT INDIVIDUALS. APPROXIMATELY FIVE HUNDRED ATTENDED. AMONG THOSE WHO ATTENDED WERE FORMER VICE PRESIDENT RICHARD NIXON, WHO REMAINED APPROXIMATELY ONE AND ONE HALF HOURS , ROY COHN AND FORMER ATTORNEY GENERAL HERBERT BROWNELL.

ABA MEETING WILL CONTINUE THROUGH NOON FRIDAY, EIGHT FOURTEEN SIXTY FOUR. ADDITIONAL SUMMARIES WILL BE SUBMITTED AS PERTINENT.

END

HFL

FBI WASH DC

cc - Mr. Dale
cc - Mr. H.L. Edwards

PA
Off
8/17

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

AUG 10 1964

TELETYPE

Mr. Tolson ☒
Mr. Belmont ☒
Mr. Mohr ☒
Mr. Casper ☒
Mr. Callahan ☒
Mr. Conrad ☒
Mr. DeLoach ☒
Mr. Evans ☒
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Mr. Sullivan ☒
Mr. Tavel ☒
Mr. Trotter ☒
Tele. Room ☒
Miss Holmes ☒
Miss Gandy ☒

SENT

FBI NEW YORK

9-39 PM

DEFERRED 8-10-64

DAE

TO DIRECTOR -6- / ATT. ASSISTANT DIRECTOR GALE/

FROM INSPECTOR H. L. EDWARDS.

AMERICAN BAR ASSOCIATION EIGHTY SEVENTH ANNUAL MEETING, NYC.

THIS IS SUMMARY OF PERTINENT ITEMS IN SESSIONS, MONDAY, AUGUST TEN. AT FORMAL OPENING ASSEMBLY, ADDRESSES OF WELCOME DELIVERED BY GOVERNOR ROCKEFELLER AND MAYOR WAGNER. ABA PRESIDENT CRAIG DELIVERED ANNUAL ADDRESS COVERING HIS YEAR OF PRESIDENCY. HE STRESSED THE CONTINUING THREAT OF INTERNATIONAL COMMUNISM AND EMPHASIZED THAT TOP PRIORITY IMPORTANCE OF WORK OF ABA STANDING COMMITTEE ON EDUCATION AGAINST COMMUNISM. HE STATED THIS PROGRAM SHOULD BE CONTINUED AND EXPANDED. HE ALSO EMPHASIZED THE IMPORTANCE OF THE CONTRIBUTION ABA COULD MAKE BY ASSISTING LATIN AMERICAN BAR ASSOCIATIONS AND SINCERE LATIN AMERICAN LAWYERS IN STRENGTHENING THEIR FIGHT AGAINST COMMUNISM. ABA HAS SCHEDULED REGIONAL MEETING AT SAN JUAN, PUERTO RICO MAY NINETEEN, NINETEEN SIXTY FIVE, AS ONE MEANS OF FURTHERING THIS PROGRAM. CRAIG SUGGESTED SERIOUS CONSIDERATION SHOULD BE GIVEN TO EXPANDED EXCHANGE PROGRAM OF LAW GRADUATE STUDENTS BETWEEN THE UNITED STATES AND LATIN AMERICA AS ONE LONG- RANGE MEANS OF COMBATING THE INFILTRATION OF COMMUNIST IDEOLOGY. CRAIG ALSO STRESSED THE DANGER OF EMPHASIZING INDIVIDUAL RIGHTS TO THE SUBORDINATION OF

END PAGE ONE

MR. MOHR FOR THE DIRECTOR

PAGE TWO.....

OF THE RIGHTS OF SOCIETY. HE REFERRED TO RIOTS AND CIVIL DISOBEDIENCE AND STATED INTERNATIONAL COMMUNISM FEEDS AND GROWS FAT UPON CIVIL STRIFE.

AT CRIMINAL LAW SECTION PROGRAM, ATTORNEY GENERAL KENNEDY WAS GUEST SPEAKER. HE PRAISED PRISON DIRECTOR JIM BENNETT AT CONSIDERABLE LENGTH IN VIEW OF BENNETT-S ANNOUNCED INTENTION TO RETIRE. ALTHOUGH ATTORNEY GENRAL HAD A PREPARED TEXT, HE DEPARTED SOMEWHAT FROM IT. HE REVIEWED HIS ACCOMPLISHMENTS AS ATTORNEY GENERAL, EMPHASIZED WHAT HE HAD DONE TO IMPROVE COOPERATION AMONG FEDERAL AGENCIES IN THE WAR AGAINST ORGANIZED CRIME. HE TOOK CREDIT FOR CHANGING A CONDITION HE CLAIMED EXISTED IN THE DEPARTMENT OF JUSTICE WHEREBY TOO MUCH EMPHASIS WAS ON ACCOMPLISHMENTS OF THE CAPONE DAYS AND INDICATED HE EMPHASIZED CONCENTRATION ON CURRENT PROBLEMS. HE GAVE THE FBI CREDIT FOR DOING BULK OF EFFECTIVE INVESTIGATIVE WORK IN ORGANIZED CRIME ACCOMPLISHMENTS. ATTORNEY GENERAL THEN ANNOUNCED ESTABLISHMENT OF NEW OFFICE WITHIN DEPARTMENT OF JUSTICE, REFERRED TO IT AS OFFICE OF " CRIMINAL JUSTICE" HEADED BY PROFESSOR [REDACTED] OF HARVARD LAW SCHOOL, SAID HE HOPED THIS OFFICE WOULD BE PERMANENT AND WOULD BE FIRST STEP IN DEALING WITH WHAT HE CONSIDERED ONE OF THE MOST AGGRAVATING PROBLEMS OF CRIMINAL LAW, NAMELY THE WIDE AND WIDENING GULF BETWEEN LAW ENFORCEMENT OFFICIALS

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PAGE THREE.....

ON THE ONE SIDE AND THE OTHER LEGAL FIGURES CONCERNED WITH PROTECTING THE RIGHTS OF THE INDIVIDUAL ON THE OTHER. HE ALSO ADVOCATED ANOTHER WICKERSHAM COMMISSION AND SUGGESTED OUR LAWS AND SOCIETY WOULD BENEFIT FROM A COORDINATED APPROACH, SUCH AS A " NATIONAL INSTITUTE OF CRIMINAL JUSTICE" PATTERNED AFTER THE NATIONAL HEALTH INSTITUTE. THE ATTORNEY GENERAL LATER WAS A GUEST SPEAKER AT THE OPENING SESSION OF ABA HOUSE OF DELEGATES. HE SPOKE EXTEMPORANEOUSLY AND INDICATED THIS WOULD BE THE LAST OCCASION HE WOULD APPEAR BEFORE THEM IN THE ROLE OF ATTORNEY GENERAL.

ABA PRESIDENT CRAIG RECEIVED CONFIRMATION THIS AFTERNOON OF PRESIDENT JOHNSON- S ARRIVAL WEDNESDAY, AUGUST TWELVE, TO ADDRESS AFTERNOON ASSEMBLY SESSION. CRAIG HAD AFTERNOON MEETING WITH THOSE RESPONSIBLE FOR SECURITY PLANS AND CONFIDENTIAL INFORMATION RECEIVED CONCERNING THAT SESSION INDICATES ONLY THOSE WEARING ABA MEMBERSHIP BADGES WILL BE ADMITTED TO ASSEMBLY SESSION. FURTHER, THAT NO PRESS INFORMATION WHATSOEVER IS SUPPOSED TO APPEAR PRIOR TO THE PRESIDENT- S ARRIVAL.

SND

~~CORR LINE 17 PAGE TWO LAST WORD SHD BE " DEALING"~~

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WBS

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cc: MR Gale +
H.L. Edwards

[Handwritten signature]
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FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

AUG 14 1964

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FBI NEW YORK

239 PM URGENT 8-14-64 JAM

TO DIRECTOR /12/

ATTN.. ASSISTANT DIRECTOR GALE

FROM SUPV. H. L. EDWARDS 3P

AMERICAN BAR ASSOCIATION, EIGHTY SEVENTH ANNUAL MEETING,
NEW YORK CITY.

THIS IS A SUMMARY OF PERTINENT ITEMS IN SESSIONS THURSDAY
AND FRIDAY, AUGUST THIRTEEN AND FOURTEEN.

AMONG VARIOUS COMMITTEE REPORTS BEFORE CRIMINAL LAW SECTION
WAS ONE BY JUDGE H. EUGENE BREITENBACH, CHAIRMAN OF THE CRIMINAL
LAW SECTION COMMITTEE ON JUVENILE DELINQUENCY, WHICH REPORT
STRONGLY ENDORSED THE ESTABLISHMENT OF A NATIONAL ACADEMY OF
CRIMINAL JUSTICE. BREITENBACH STATED THIS IDEA WAS ORIGINALLY
ADVANCED BY [REDACTED] WHO BELIEVES THAT A "WEST POINT OF
CRIMINAL JUSTICE" SHOULD BE ESTABLISHED AT HARVARD LAW SCHOOL
TO TRAIN PEOPLE FOR POLICE WORK. BREITENBACH RECOMMENDED THAT
THE CRIMINAL LAW SECTION ENDORSE THIS IDEA BUT FORTUNATELY, IT
WAS POSSIBLE TO PREVENT ANY FORMAL ACTION BEING TAKEN AT THIS
MEETING.

H. L. EDWARDS, WHOSE TERM OF COUNCIL OF CRIMINAL LAW SECTION
EXPIRED, WAS ELECTED AS ASSESTANT SECRETARY OF SECTION, WITH

56 SEP 3 1964
END PAGE ONE

MR. MOHR FOR THE DIRECTOR

6 AUG 26 1964

Tolson _____
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Mr. Mohr _____
Mr. Casper _____
Mr. Callahan _____
Mr. Conrad _____
Mr. DeLoach _____
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PAGE TWO

L. B. NICHOLS AS SECRETARY, BRIGADIER GENERAL KENNETH J. HODSON AS SECTION CHAIRMAN, ARTHUR FREUND AS ASSISTANT SECTION CHAIRMAN, AND RETIRING BUREAU OF PRISONS DIRECTOR, JAMES BENNETT AS SECTION DELEGATE TO HOUSE OF DELEGATES. AT FINAL MEETING ON FRIDAY, PRESIDENT ELECT LEWIS POWELL, JR. WAS FORMALLY ELECTED AS PRESIDENT OF ABA FOR COMING YEAR, AND EDWARD W. KUHN, WHO HAD BEEN THE PRESIDENT ELECT NOMINEE, WAS FORMALLY ELECTED AS

PRESIDENT ELECT FOR COMING YEAR. SUGGEST CRIME RECORDS DIVISION PREPARE APPROPRIATE LETTERS OF CONGRATULATION FOR POWELL AND KUHN, AND APPROPRIATE LETTER FOR RETIRING PRESIDENT WALTER E. CRAIG, WHO WILL NOW ASSUME US DISTRICT JUDGESHIP IN PHOENIX

IN CONVERSATIONS WITH CRAIG LAST EVENING, HE STATED HE WAS ESPECIALLY APPRECIATIVE OF SUPPORT AND EXTENSIVE HELP WHICH THE DIRECTOR HAD GIVEN TO HIM THROUGHOUT HIS TERM. HE STATED HE IS CONFIDENT THAT THE EVER PRESENT THREAT OF COMMUNISM WILL BE CONTINUALLY STRESSED BY POWELL DURING THE COMING YEAR. CRAIG ADDED THAT IF AT ANY TIME HE CAN EVER DO ANYTHING FOR THE DIRECTOR, HE WANTS HIM TO MAKE CERTAIN THAT HE PERSONALLY CONTACT CRAIG.

END PAGE TWO

PAGE THREE

IN CONVERSATION WITH LEWIS POWELL, POWELL STATED LAST EVENING, THAT HE IS STILL CONVINCED A MAJOR PROBLEM EXISTING IN THIS COUNTRY IS THE RISING CRIME RATE, AND HE INTENDS TO MAKE THIS HIS MAJOR GOAL DURING HIS ADMINISTRATION AS ABA PRESIDENT. HE STATED HE IS GRATEFUL OF THE TIME THE DIRECTOR HAS SPENT WITH HIM DURING POWELL-S VISIT TO WASHINGTON, AND IS VERY APPRECIATIVE OF ALL THE HELP WHICH THE DIRECTOR HAS MADE POSSIBLE TO DATE.

PRESIDENT ELECT KUHN IS ALSO A STRONG FRIEND OF THE BUREAU, AND INDICATED HE WOULD BE APPRECIATIVE OF ANY GUIDANCE THE DIRECTOR MIGHT SEE FIT TO GIVE HIM DURING HIS TERM AS PRESIDENT ELECT, AS WELL AS HIS TERM AS PRESIDENT THE FOLLOWING YEAR.

AT FINAL SESSION FRIDAY MORNING, IT WAS ANNOUNCED WITHOUT
DETAIL, THAT LOYD WRIGHT OF CALIFORNIA, PAST ABA PRESIDENT,
DIED DURING THE NIGHT. SUGGEST CONSIDERATION BE GIVEN TO SENDING
AN APPROPRIATE LETTER OF CONDOLENCE TO SURVIVING RELATIVES. ✓
LOS ANGELES OFFICE WILL BE ABLE TO SUPPLY ANY DETAILS NEEDED
FOR APPROPRIATE PREPARATION OF LETTER.

ANNUAL MEETING TERMINATES TODAY.

END

JRL

FBI WASH DC

cc - Mr. Ladd + Mr. Tolson

Bar Delegates Vote Standards To Defend Poor

By DANA BULLEN

Star Staff Writer

NEW YORK, Aug. 11

Minimum national standards for programs to provide counsel for poor persons accused of serious crimes were approved here yesterday by the American Bar Association.

"The legal profession has no more important or pressing task than to see to it that adequate provision is made everywhere to insure that competent counsel are provided for indigent defendants," the ABA said.

"Lawyers must be provided if justice is to be done," said Whitney North Seymour, chairman of a special ABA committee on defense of indigents. He said there is "great urgency" in this area.

Recent passage by Congress of a bill providing for compensation for appointed counsel in Federal courts was hailed as "good news" by Mr. Seymour. The ABA action was concerned with state courts.

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Gandy _____

The Washington Post and Times Herald _____
The Washington Daily News _____
The Evening Star A-8 _____
New York Herald Tribune _____
New York Journal-American _____
New York Mirror _____
New York Daily News _____
New York Post _____
The New York Times _____
The Worker _____
The New Leader _____
The Wall Street Journal _____
The National Observer _____
People's World _____
Date _____

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1918
AUG 11 1964

New President

In other action at the ABA annual meeting now under way:

1. Lewis F. Powell, Jr., 56, a Richmond (Va.) attorney, was named president of the association for the coming year. Mr. Powell succeeds Walter E. Craig, a Phoenix (Ariz.) lawyer who is becoming a Federal judge.

Edward W. Kuhn, 58, of Memphis, Tenn., was named president-elect of the ABA. Under association custom, the president-elect automatically moves up to president. Mr. Powell served as president-elect this year.

Mr. Powell is a member of the Virginia State Board of Education, a former chairman of the Richmond School Board, and a trustee and general counsel of Colonial Williamsburg.

2. Representative Lindsay, Republican of New York, told an administrative law group that Congress is too involved in politics to serve as the "watch-dog" against threats to individual rights.

He said that it is up to the "fifth branch of government" to perform this important job. He described the "fifth branch of government" as composed of non-congressional groups such as the bar.

Lauds Minimum Standards

3. Chief Judge J. Edward Lumbard, of the United States 2d Circuit Court, of New York, hailed a planned three-year project to ascertain minimum standards for the administration of criminal justice.

He said such standards "can do much toward further safeguarding individual rights and at the same time, providing due process to the public through more effective law enforcement."

4. The Alabama State Bar Association was awarded the ABA's 1964 merit prize for action in disciplining its members for violating rules of

professional conduct in non-resident divorce cases.

Tighter bar rules in the State make it unethical for lawyers knowingly to represent persons seeking Alabama divorces without fully complying with State residence requirements, the announcement said.

Indigent Defense System

The new minimum standards approved by the ABA for indigent defense programs call for formation in each of the Nation's 3,100 counties, of an adequate system for the provision of such counsel.

The ABA said this can be done in one, or a combination, of the following ways: public defender, private defender, legal aid society or an efficient assigned counsel system.

Other recommendations included public financial support, early assignment of such counsel, proper training of lawyers to handle these cases, complete record keeping, and other items.

The Supreme Court held in 1963 in the Gideon case that indigent criminal defendants have a constitutional right to counsel, provided without charge if necessary, to handle their defense.

A bar study of existing practices in the 50 States concluded that half of the 300,000 persons charged with felonies in State courts each year cannot afford to hire a lawyer themselves.

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

AUG 12 1964

TELETYPE

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FBI NEW YORK

1238 AM DEFERRED 8-12-64 JAA

TO DIRECTOR -1-

ATTENTION.. ASSISTANT DIRECTOR GALE
FROM INSPECTOR. H. L. EDWARDS 4 P

AMERICAN BAR ASSOCIATION, EIGHTY SEVENTH ANNUAL MEETING, NYC.

THIS IS SUMMARY OF PERTINENT ITEMS IN SESSIONS, TUESDAY, AUGUST
ELEVEN.

PRESIDING OFFICER, HOUSE OF DELEGATES, ANNOUNCED TO GROUP THAT
PRESIDENT JOHNSON WOULD DEFINITELY ADDRESS ABA ASSEMBLY AT TWO PM
WEDNESDAY, AUGUST TWELVE INSTANT. TOPIC OF PRESIDENT JOHNSON-S TALK AND
ADDITIONAL DETAILS NOT DISCLOSED. AMONG OTHER ITEMS DISCUSSED DURING
MEETING WAS RECOMMENDED ENDORSEMENT OF CONGRESSIONAL BILL HR ONE EIGHT
THREE FIVE PASSED JUNE TWENTY THREE SIXTY FOUR BY HOUSE OF REPRESENT-
ATIVES, WHICH BILL HAS AS ITS PURPOSE THE REMEDYING OF SITUATIONS
WHERE THE WRIT OF HABEAS CORPUS HAS BEEN USED REQUIRING A REVIEW BY
FEDERAL COURTS OF STATE COURT DECISIONS EVEN AFTER THE SUPREME COURT
HAD DENIED APPEALS. ABOVE LAW WOULD LIMIT HABEAS CORPUS TO REASONABLE
USE AND PUT BURDEN ON APPLICANT TO PROVE DENIAL OF DUE PROCESS. RULING
END PAGE ONE

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Evans
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

REC-52

74-1-361-1919

AUG 27 1964

MR. MOHR FOR THE DIRECTOR

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SEP 1 1964

PAGE TWO

ON RECOMMENDED ENDORSEMENT WAS DEFERRED UNTIL NEXT MEETING FOR FURTHER STUDY. CHAIRMAN OF CRIMINAL LAW SECTION STATED HIS GROUP IS CONSIDERING MEANS FOR GREATER CONTROL OF THE SALE OF LEGAL WEAPONS AND FIREARMS.

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IT WAS INDICATED SUCH STUDY WAS BEING MADE AT THE REQUEST OF SENATOR MAGNUSON AND HIS SENATE COMMITTEE. CRIMINAL LAW SECTION IS ALSO STUDYING THE WHOLE FIELD OF MENTAL COMPETENCY AND ITS EFFECT ON THE COMMISSION OF CRIMES.

JUDICIAL ADMINISTRATION SECTION HELD PANEL DISCUSSION CONCERNING THE RIGHT OF FAIR TRIAL AND RESPONSIBILITY OF PUBLIC LEGAL PROFESSION AND NEWS MEDIA. [REDACTED] DALLAS TIMES HERALD, SUGGESTED PREJUDICIAL RELEASE OF INFORMATION BEFORE TRIAL COULD NOT BE REMEDIED BY RESTRICTIVE LEGISLATION AUTHORIZING SUMMARY CONTEMPT PROCEEDINGS AGAINST NEWS MEDIA. DEAN GRISWOLD, HARVARD LAW SCHOOL, SUGGESTED ABSOLUTE PROHIBITION OF RELEASE OF INFORMATION BY PROSECUTION, DEFENSE OR LAW ENFORCEMENT OFFICERS CONCERNING THE ACCUSED BEFORE TRIAL AS POSSIBLE SOLUTION TO PROBLEM. J. SKELLY WRIGHT, JUDGE, COURT OF APPEALS, DISTRICT OF COLUMBIA, INDICATED HE OPPOSED LEGISLATION PROVIDING FOR SUMMARY CONTEMPT AGAINST NEWS MEDIA BUT INDICATED SUCH MEASURE MAY BE NECESSARY

END PAGE TWO

PAGE THREE

IF JOURNALISM PROFESSION DOES NOT ADOPT MEANINGFUL CODE PROSCRIBING PRE-JUDICIAL PUBLICITY.

CRIMINAL LAW SECTION MET IN GENERAL SESSION PRESIDED OVER BY L. B. NICHOLS AND DEALT WITH TOPIC CONCERNING CIVIL DISOBEDIENCE AND THE ADMINISTRATION OF JUSTICE. PANELIST MORRIS I. LEIBMAN, CHAIRMAN, STANDING COMMITTEE ON EDUCATION AGAINST COMMUNISM, POINTED OUT THAT COMMUNISTS USE EVERY OPPORTUNITY TO EXPLOIT DIFFERENCES BETWEEN CITIZENS AND HAVE A LONG HISTORY OF ATTEMPTING TO INFILTRATE EVERY SEGMENT OF OUR SOCIETY. b6
b7c

DURING HIS REMARKS, LEIBMAN HELD UP THE DIRECTOR AS A SYMBOL OF THE LAWYERS- OBLIGATION. HE STATED THAT MR. HOOVER HAS HAD THE DIFFICULT TASK OF PROTECTING THE LAW SOCIETY IN ACCORDANCE WITH ITS STRICT RULES AGAINST ENEMIES FROM WITHIN AND WITHOUT. HE CONTINUED THAT THE DIRECTOR-S CONDUCT REMINDS US THAT THE LAWYER MUST SERVE IN THE TOUGH, HARD AREAS WHERE OUR SOCIETY RUBS AGAINST COMPLEXITY AND CONTROVERSY, AND WHERE PREJUDICE, BIGOTRY AND THE EMOTIONS ARE THE SHARPEST., WHERE CRITICISM AND PERSONAL ATTACK ARE CERTAIN FROM BOTH SIDES.

[REDACTED] FORMER ATTORNEY GENERAL, WAS THE FINAL PANELIST AND QUOTED EXTENSIVELY FROM RECENT STATEMENTS OF [REDACTED] LEADER
END PAGE THREE

b6
b7C

PAGE FOUR

OF CTOHRESS OF RACIAL EQIALITY. [] OBSERVED THAT [] STATE-
MENTS WERE ANTITHETICAL TO THE RULE OF LAW. [] CONDEMNED TACTICS
WHICH BESPEAK AND BEGET DISRESPECT FOR LAW.

ADDITIONAL SUMMARIES TO BE SUBMITTED AS MEETING PROGRESSES.

END

WA JMS FBI WASH DC

cc: *M. L. [unclear]*
M. [unclear]

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

AUG 10 1964

TELETYPE

SENT BY CODED TELETYPE

FBI NEW YORK

210 AM URGENT 8/9/64 WAH

TO DIRECTOR

~~11157~~ XXX

///1////////

/ATT.. ASSISTANT DIRECTOR GALE/

FROM H. L. EDWARDS

AMERICAN BAR ASSOCIATION EIGHTY SEVENTH ANNUAL MEETING,

NYC..

MEETING BEGAN AUGUST SEVENTH. THIS IS SUMMARY OF
PERTINENT MATTERS THROUGH SUNDAY, AUGUST NINTH. ON

AUGUST SEVENTH, AMERICAN BAR ASSOCIATION PRESIDENT, WALTER
E. CRAIG, HELD PRESS CONFERENCE HIGHLIGHTING ACTIVITIES
OF ASSOCIATION/S STANDING COMMITTEE ON EDUCATION AGAINST
COMMUNISM. HE PARTICULARLY STRESSED FALSITY OF SOVIET
DOCTRINE OF PEACEFUL COEXISTENCE. CRAIG USED THIS OCCASION
TO ANNOUNCE COMMITTEE/S PUBLICATION AND DISTRIBUTION OF
PAMPHLET ENTITLED "PEACEFUL COEXISTENCE.. BLUEPRINT FOR
COMMUNIST VICTORY". PRESS CONFERENCE RECEIVED EXCELLENT
COVERAGE.

ALL DAY SATURDAY AND SUNDAY, AUGUST EIGHTH AND NINTH,
EDWARDS AND [REDACTED] ATTENDED POLICY MEETINGS OF
STANDING COMMITTEE ON EDUCATION AGAINST COMMUNISM.

SND PAGE ONE

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AUG 27 1964

MR. MOHR FOR THE DIRECTOR

Mr. Tolson	✓
Mr. Belmont	✓
Mr. Mohr	✓
Mr. Casper	✓
Mr. Callahan	✓
Mr. Conrad	✓
Mr. DeLoach	✓
Mr. Evans	✓
Mr. Gale	✓
Mr. Rosen	✓
Mr. Sullivan	✓
Mr. Tavel	✓
Mr. Trotter	✓
Tele. Room	✓
Miss Holmes	✓
Miss Gandy	✓

b6
b7c

SEP 1 1964

PAGE TWO

DURING SATURDAY MORNING SESSION L. B. NICHOLS BROUGHT SENATOR GOLDWATER TO COMMITTEE MEETING. GOLDWATER SPOKE BRIEFLY TO COMMITTEE AND COMMENDED COMMITTEE/S PUBLICATION ON PEACEFUL COEXISTENCE STATING IN HIS OPINION THIS FALSE DOCTRINE OF PEACEFUL COEXISTENCE IS ONE OF THE THINGS HE ENCOUNTERS MOST IN HIS TRAVELS AND HE FEELS IT IS ESSENTIAL TO REITERATE FACT THAT ULTIMATE OBJECTIVE OF COMMUNISM IS TO OVERTHROW AMERICAN WAY OF LIFE. NICHOLS SUBSEQUENTLY TOOK SENATOR GOLDWATER TO SEE FORMER PRESIDENT HERBERT HOOVER.

THE STANDING COMMITTEE ON EDUCATION AGAINST COMMUNISM HAS SCHEDULED A ONE HOUR PROGRAM AT ASSEMBLY MEETING OF THE ENTIRE BAR ASSOCIATION, WEDNESDAY, AUGUST TWELVE AT TWO PM. THIS IS PROGRAM AT WHICH THEY HAD DESIRED TO INVITE DIRECTOR AS A KEY SPEAKER, BUT THE DIRECTOR ADVISED IN MAY, NINETEEN SIXTY FOUR, HIS ABSENCE FROM

END PAGE TWO

PAGE THREE

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THE

AREA WOULD PRECLUDE HIS ACCEPTANCE. PROGRAM PLANS ARE STILL TENTATIVE, BUT TO DATE PROGRAM WILL INCLUDE TAPED MESSAGE FROM FORMER PRESIDENT EISENHOWER., A LETTER FROM FORMER PRESIDENT HOOVER., BRIEF SPEECHES ON SPECIFIC PROBLEMS OR PHASES OF COMMITTEE WORK BY CHAIRMAN MORRIS LEIBMAN, COMMITTEE MEMBER [REDACTED] PROGRAM MANAGER [REDACTED] AMERICAN BAR ASSOCIATION PRESIDENT ELECT LEWIS POWELL, AND PRESIDENT CRAIG, AND COMMENTS BY ASSISTANT ATTORNEY GENERAL WALTER YEAGLEY OF THE INTERNAL SECURITY DIVISION CONCERNING PROBLEMS CREATED BY RECENT SUPREME COURT DECISIONS. ENTIRE PROGRAM MAY BE CHANGED IN VIEW OF INDICATION RECEIVED BY ASSOCIATION PRESIDENT CRAIG THAT PRESIDENT JOHNSON WILL TRY TO ATTEND AND ADDRESS THIS ASSEMBLY MEETING.

COMMITTEE SESSIONS ALSO REVIEWED CURRENT STATUS OF ACTIVITY, EMPHASIZING BAR LEADERSHIP PROGRAM OF HOLDING SEMINARS ON ANTI-COMMUNISM AT THE STATE LEVEL, THE TEACHER

END PAGE THREE

PAGE FOUR

TRAINING INSTITUTES IN FURTHERANCE OF PROGRAM OF ADVOCATING EDUCATION IN THE CONTRAST BETWEEN COMMUNISM AND DEMOCRACY AND THE COMMITTEE/S ACTIVE PROGRAM OF DISTRIBUTING SELECTED ARTICLES AND PUBLICATIONS EMPHASIZING THE CONTINUING THREAT OF COMMUNISM. IN THIS CONNECTION MENTION WAS MADE OF THE VOLUMINOUS REQUESTS RECEIVED FOR REPRINTS OF DIRECTOR/S ARTICLE "THE U.S. BUSINESSMAN FACES THE SOVIET SPY". COMMITTEE HAS DISTRIBUTED MORE THAN TWENTY THOUSAND OF THESE REPRINTS WHICH IT PURCHASED AND HAS RECENTLY HONORED REQUESTS FOR ADDITIONAL REPRINTS FROM KEY INDUSTRIAL GROUPS AND BUSINESSMEN/S ASSOCIATIONS. COMMITTEE MEMBER [REDACTED] MENTIONED NUMEROUS INSTANCES WHERE THE DIRECTOR/S BOOK "STUDY OF COMMUNISM" CONTINUES TO BE RECOMMENDED AS A TEXT. IN THIS CONNECTION [REDACTED] MENTION THAT A TEXT BOOK USED THROUGHOUT SOVIET UNION IN PRAISING COMMUNISM AND CONDEMNING CAPITALISM HAS NOW BEEN TRANSLATED AND IS AVAILABLE FOR PURCHASE THROUGH THE U.S. DEPARTMENT OF COMMERCE. [REDACTED] EXHIBITED A COPY OF THIS BOOK WHICH IS ENTITLED "SOCIAL

END PAGE FOUR

PAGE FIVE

SCIENCE.. A TEXTBOOK FOR SOVIET SECONDARY SCHOOLS" AND WAS WRITTEN BY G. KH SHAKHNAYAROV ET AL. [] EXPLAINED THIS TEXT WAS SELECTED BY THE [] AS THE BEST PRODUCT AMONG NUMEROUS COMPETING GROUPS OF AUTHORS WHO HAD BEEN COMMISSIONED TO PREPARE A TEXT. [] CITED SEVERAL PORTIONS OF THE BOOK TO ILLUSTRATE ^{DAV} DANGEROUS PROPAGANDA THEREIN WHICH IS TAUGHT TO EVERY SOVIET CHILD. L.B. NICHLOS IS SUBSIDIZING PURCHASE OF COPY OF TEXT FOR EACH MEMBER OF COMMITTEE.

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COMMITTEE ALSO HIGHLIGHTED FACT THAT NUMEROUS BOOKS BY FOREIGN AND AMERICAN AUTHORS ARE BEING PUBLISHED IN U.S. AND EMPHASIZED THEIR DANGEROUS PRO-SOVIET PROPAGANDA. US FUTUREPROJECT WHEN STAFF AND FUNDS PERMIT, COMMITTEE BELIEVES IT ESSENTIAL TO MAKE ANALYSIS AND REFUTATION OF BOOKS AND SIMILAR SOVIET PROPAGANDA FOR ENLIGHTENMENT OF AMERICAN READING PUBLIC.

ND PAGE FIVE

PAGE SIX

ATTORNEY GENERAL KENNEDY IS DUE TO ARRIVE IN NYC LATE
SUNDAY EVENING FROM BOSTON, AND IS SCHEDULED TO ADDRESS THE
ASSOCIATION AS PART OF THE CRIMINAL LAW SECTION/S PROGRAM
PERTAINING TO DEFENSE OF INDIGENT PERSONS.

NO PROBLEMS OR CONTROVERSIAL ISSUES TO DATE. ADDITIONAL
SUMMARIES TO BE SUBMITTED AS MEETING PROGRESSES.

END

WA

JMS FBI WASH DC

.HOLD

cc: Mr. Gale
Mr. Edwards
Mr. Evans.

UNITED STATES GOVERNMENT

Memorandum

Tolson ☒
Belmont ☐
Mohr ☐
Casper ☐
Callahan ☐
Conrad ☐
DeLoach ☒
Evans ☒
Gale ☒
Rosen ☒
Sullivan ☐
Tavel ☐
Trotter ☐
Tele. Room ☐
Holmes ☐
Gandy ☐

TO : Mr. DeLoach

DATE: 8-13-64

FROM : M. A. Jones

SUBJECT: EDWARD W. KUHN
PRESIDENT-ELECT
AMERICAN BAR ASSOCIATION (ABA)

"The Evening Star" of 8-11-64 carried a personality sketch on Edward W. Kuhn, new President-elect of the ABA. Kuhn, who was born 11-23-05, was graduated from the University of Michigan with A.B. and LL.B. degrees. He has served as assistant city attorney, assistant district attorney and has practiced law in Memphis, Tennessee, where he resides. A Catholic and a Democrat, Mr. Kuhn describes himself as a "self-made man." According to the article, Mr. Kuhn is the first man in Tennessee history to be president of his local bar and State bar, an ABA State delegate, an ABA governor and president-elect. His main project as ABA President will be to secure congressional approval of a proposed constitutional amendment to clear up the problem of presidential inability and the related problem of filling vice presidential vacancies.

INFORMATION IN BUFILES:

A check of Bufiles reflects no derogatory information concerning Kuhn who has long been known to the Bureau as a member of the Board of Governors of the American Bar Foundation.

The Director, by SAC letter dated 6-7-60, concerning the 83rd Annual Meeting of the ABA to be held in Washington, D. C., 8-29 - 9-2-60, indicated that he had offered to make special tours of our facilities available to visiting members and guests. All SACs were instructed to make this offer known to any member of the ABA in their Division who is a particularly good friend of the Bureau. Accordingly, the SAC at Memphis contacted Edward W. Kuhn in July, 1960, and he was most enthusiastic regarding this special tour.

By teletype 2-18-64, Inspector H. L. Edwards advised that at its mid-year meeting in Chicago that day, the ABA's House of Delegates announced that Edward W. Kuhn of Memphis was nominated as President-elect of the ABA. While the election was not scheduled until the National Convention in August, Inspector Edwards indicated nomination was tantamount to election and since Kuhn was well known and had been most favorable and cooperative to the Bureau, he suggested the Director send a congratulatory letter. By

1 - Mr. DeLoach

ULG:smg

(5)

50 SEP 1 1964

1 AUG 27 1964

CRIME RESEARCH

M. A. Jones to DeLoach Memo
RE: Edward W. Kuhn

By letter 2-25-64 the Director congratulated Kuhn on his nomination. By letter 3-3-64 Kuhn, who is on the Special Correspondents' List, thanked the Director and stated that he (Kuhn) knew of no man in the United States for whom he holds greater respect than the Director, and that the ABA is deeply grateful to the Director for all of his assistance in the past. Kuhn indicated that as he wrote, he was looking at the Board of Governors picture made with the Director in May, 1961, when he visited the Director's Office, and stated that it occupied a very prominent place on his wall and he is especially proud of it.

RECOMMENDATION:

None. For information.

*Op
17th*

V. Key 4/10/64

HEADLINE PERSONALITY

Kuhn, Next Bar Chief, Worked His Way Up

By a Star Staff Writer

NEW YORK, Aug. 11.—The new president-elect of the American Bar Association is a genial, 58-year-old Memphis (Tenn.) trial lawyer who describes himself as "a self-made man."

Edward W. Kuhn will become head of the Nation's largest lawyers' organization next August. Attorney Lewis F. Powell, jr., of Richmond, Va., will serve as president during the coming year.

"I'm a self-made man," the president-elect said in an interview. "My parents were poor. All my father had was a job (as a railroad locomotive engineer) and five children."

Mr. Kuhn, whose grandparents came to this country as immigrants from Ireland and Bavaria, first made a mark as a three-letter man (football, basketball and baseball) in high school in Memphis.

Met Adversities

He worked for three years to get enough money to go on to college. In his first year at Catholic University, his money ran out and he lost the sight in one eye when he was hit by a pitched baseball.

"I didn't let anything hold me back," he said, recalling that someone told him that he could work his way through the University of Michigan. Summer jobs, including one as a fireman, helped put him through.

He received his law degree at Michigan in 1933. "I wasn't any outstanding student," Mr. Kuhn recalled. "I just got medium grades." During this period, he tasted politics as a Roosevelt campaign worker.

"I came, with everyone else that was broke, to Washington in '33, hoping I could get a job," he said. "There were just too many of us. So I went back home to Memphis to see what I could do there."

A Roman Catholic and a Democrat, Mr. Kuhn found himself helping out at the headquarters of Edward (Boss) Crump, the political potentate of Memphis at the time. "I was just a spear toter," he said.

10 Years as Prosecutor

For seven years, the next ABA chief was assistant city attorney in Memphis, followed by a three-year term as assistant district attorney. He sent the only white man to the electric chair in local history.

In 1944, he turned to private law practice. "I'd had enough of criminal law," he said. "That's rough work." Today, he is a partner in the second largest law firm in the city of Memphis.

His first love is trial work. "I just couldn't practice law if it weren't in the courtroom," he said. Mr. Kuhn's firm handles defense work of major clients in the insurance and business fields.

"I like people," he said, in answer to questions about why trial work fascinated him so. "I like to talk to them, be with

them. Especially I like jury work."

Early in his practice, he was drawn into bar activity. Mr. Kuhn is the first man in Tennessee history to be president of his local bar and State bar, an ABA State delegate, an ABA governor and president-elect.

"I started at the bottom, and I worked up, rung by rung for each office," he said. "So I feel a little proud about the whole thing." He praised the American system for his opportunity.

For Rights Enforcement

As president of the ABA, Mr. Kuhn probably will stick to the middle of the road. He's not a real liberal, but, on the other hand, he couldn't be called an extreme conservative, either.

"Every man has equal rights," he said, "and courts should enforce them." On the other hand, the Memphis attorney says: "The race business is . . . an educational process, not a force process."

His main project as ABA president will be to secure congressional approval of a proposed constitutional amendment to clear up the problem of presidential inability and the related problem of filling vice-presidential vacancies.

Mr. Kuhn, 6-foot, 1-inch and easy-going, smokes 10 cigars a day and has the idea his three sons just might become lawyers, too.

"The Evening Star"
August 11, 1964

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FULL NAME—Edward William Kuhn.

CLAIM TO FAME — President-elect of the American Bar Association.

HOME—Memphis, Tenn.

BIRTHDAY—November 23, 1905.

EDUCATION — University of Michigan, AB and LLB.

JOBS—Assistant city attorney, assistant district attorney and private law practice.

FAMILY—Married to the former Mattie Mahaffey in 1936; three sons, 24, 20 and 16.

HOBBY—Gardening.

August 26, 1964

REC 55

94-1-369-1922

Mr. Richard D. Auerbach
Vice President
The Pacific National Bank of Seattle
Post Office Box 160
Seattle 11, Washington

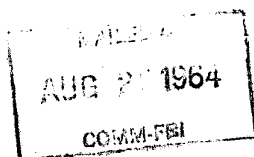
Dear Auerbach:

Thank you for your letter of August 18, 1964,
enclosing material pertaining to two American Bar Association
Committees which you obtained from Mr. Alfred J. Schweppe.

Your helpfulness is indeed appreciated as is
your expressed willingness to be of additional assistance.

Sincerely,

J. Edgar Hoover



1 - SAC, Seattle (For information)

NOTE: Mr. Auerbach is a retired SAC and is on the Special Correspondents' List. He EOD 8-5-40 and retired 8-18-61. The material forwarded by Mr. Auerbach had been requested by Inspector H. L. Edwards from SAC, Earl Milnes of Seattle some months ago inasmuch as Chairman Schweppe is located in Seattle and was doing some work in connection with fairness in criminal trials which would possibly have some bearing on law enforcement agencies. A review of the material indicates the Committees' reports are merely of an informative nature with no recommended action at this point. This matter will continue to be followed in connection with Edwards' liaison with the American Bar Association.

Tolson _____
Belmont _____
Mohr _____
Casper _____
Callahan _____
Conrad _____
DeLoach _____
Evans _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

HLE:mbk

61 SEP 15 1964

MAIL ROOM ☐ TELETYPE UNIT ☐

RECEIVED-DIVISION
AUG 26 1964
FBI

REC'D-READING ROOM
AUG 25 10 44 AM '64
FBI

RECEIVED-DIRECTOR

THE PACIFIC NATIONAL BANK of SEATTLE

RICHARD D. AUERBACH
VICE PRESIDENT

MAIN OFFICE
Second Avenue at

August 18, 1964

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. DeLoach
Mr. Evans
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

The Honorable J. Edgar Hoover
Director
Federal Bureau of Investigation
9th and Pennsylvania Avenue N. W.
Washington 25, D. C.

Dear Boss:

At the request of SAC Earl Milnes, there is attached some material which Mr. Edwards desired and which Mr. Milnes suggested I send on direct to the Bureau at this time.

The material is a copy of the 1964 Report of the American Bar Association's Standing Committee on the Bill of Rights on Fair Trial in which the Bureau has indicated an interest in receiving from the Chairman, Alfred J. Schweppe, because of the portion on law enforcement officers.

Mr. Schweppe advises me that he made this report last Wednesday, i.e., August 12th, as Chairman to the House of Delegates at the annual meeting in New York. He feels that while the report makes no recommendations, it is a progress report containing some useful suggestions. In addition, he also furnished a copy of a similar report which was made by him to the House of Delegates that same date on behalf of the Special Committee on Civil Rights and Racial Unrest which he thought you might like to have for reference material.

Should there be additional data which I can procure from Mr. Schweppe, I shall be glad to request it if you will advise Milnes as to your desires.

Hope everything personally is well with you. I am

Most cordially, REC 55

Auerbach

Richard D. Auerbach

FORWARD SAC

94-1-369-11922

4 SEP 10-1964

RDA:sa
Enclosures
VIA AIR MAIL

ENCLOSURE

P. O. BOX 160 • SEATTLE 11, WASHINGTON • MAIN 2-5336

CORRESPONDENCE

EX-110-PROC

AUG 20-1964

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1054
sub 8/26/64
8/26/64

1 copy of sub enclosed in 9/1/64

August, 1964 - No. _____

AMERICAN BAR ASSOCIATION

SPECIAL COMMITTEE ON
CIVIL RIGHTS AND RACIAL UNREST

The report of this committee made last August at Chicago, unanimously approved by the Board of Governors, and by the House of Delegates, with but one dissenting vote, as the position of the American Bar Association has been widely circulated and widely approved.

The principles announced in that report are of enduring value, and now that a Civil Rights law has been passed and is in effect, they should be reemphasized and reaffirmed as of great current importance.

The American Bar Association makes a clarion call for law and order and urges the achievement of all goals within the law. Respect for the constitutions of the United States and of the several states, the various applicable statutes, and the decisions of the federal courts and of the courts of the various states must be observed, and observed with respect.

The American Bar Association recognizes fully the right to seek change by lawful means, the right to peaceful

94-1-369-1922
ENCLOSURE

methods of persuasion and the right to resort to the courts for the redress of grievances, but cautions that in exercising the American Rights of free speech, assembly and petition, there is a grave responsibility on all Americans in these times of high emotions, and when the United States stands before the world as a symbol of democracy, to exercise these rights with due respect for law. Indeed, there would be chaos and anarchy if each citizen were free to choose which laws he would obey.

Recognizing that a government of laws cannot exist without lawyers to interpret, apply and defend the law, the American Bar Association calls on lawyers for action by way of (1) offering their services in their own communities to local officials, with whom such problems usually come to a focus, in bringing about better communication and understanding among all races, (2) using their influence, whenever possible, in bettering, on a non-discriminatory basis, educational and economic opportunities for minority groups, (3) eliminating, within their sphere of influence, discrimination, if any, in the legal profession, and (4) carrying out the duty of the legal profession with respect to defendants in locally unpopular causes.

The American Bar Association calls on its members particularly, and upon state and local bar associations and the legal profession generally, to dedicate themselves to the full implementation of these principles.

Respectfully submitted,

Alfred J. Schweppe, Chairman
James E. Faust
James D. Fellers
Frederick G. Fisher, Jr.
Joseph H. Gordon
William P. Gray
Thomas G. Greaves, Jr.
Charles P. Light, Jr.
Rush H. Limbaugh
Vincent P. McDevitt
Walton J. McLeod, Jr.
Earl F. Morris
William B. Spann, Jr.
James R. Stoner
Harold J. Sullivan
Karl C. Williams
Sherwood W. Wise

AMERICAN BAR ASSOCIATION
STANDING COMMITTEE ON BILL OF RIGHTS

This report deals with three topics, namely, (1) Fair Trial, (2) Primer on the Bill of Rights, and (3) Status of Constitutional Liberties as Reflected in United States Supreme Court Decisions. The report follows:

I.

FAIR TRIAL

In his Columbia University Lectures in 1908, which brought his views on government to national attention, Woodrow Wilson, himself a lawyer, then President of Princeton University, spoke these undying words:

"So far as the individual is concerned, a constitutional government is as good as its courts; no better, no worse. Its laws are only its professions. It keeps its promises, or does not keep them, in its courts. For the individual, therefore, who stands at the center of every definition of liberty, the struggle for constitutional government is a struggle for good laws indeed, but also for intelligent, independent and impartial courts."

And the quintessence of constitutional government in the courts is a fair trial.

(a) Fair trial - press and television

The First Amendment to the Constitution of the United States provides, among other things, that Congress shall make no law abridging the freedom of speech or of the press.

ENCLOSURE

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In this freedom other communication media such as radio and television are included.

The Fifth Amendment provides, among other things, that no person shall be deprived of life, liberty or property without due process of law, and due process of law includes the concept of a fair trial. The Sixth Amendment guarantees that in all criminal prosecutions "the accused shall enjoy the right of a speedy and public trial, by an impartial jury". These provisions are applicable to the States by virtue of the Fourteenth Amendment.

For years interested persons have struggled with conflict between the constitutional guaranty of freedom of the press and the constitutional guaranty of a fair trial. Much has been said, on the one hand, about "trial by newspaper" (which includes other communication media) and the "right of the people to know", on the other, and much material dealing with the subject has appeared since the publicity covering the tragic event of November 22, 1963.¹ And, although the problem has been stated in various ways, recent inquiries have been prompted by general dissatisfaction with alleged press interference with the right of an accused person to a fair trial. This interference normally takes the form of prejudicial publications which make available to the jury information excluded at the trial under the rules of evidence.² Since fundamentals of the

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Bill of Rights are involved and since the existing emphasis (arising out of President Kennedy's assassination) may be the vehicle for progress in this area which has eluded all interested persons in the past, it was incumbent upon the Standing Committee on the Bill of Rights to look into the matter. We have done this by obtaining, examining and screening available information reflecting the conflicting views of various persons directly involved, by looking into the background of the constitutional provisions and the Court development of the principles embodied therein, and, in the perspective of protecting to the fullest extent possible the rights of the public (not only to the maximum news coverage, but to the preservation of the fair trial concept) and the rights of the individual accused submit the following.

(1) Background

The concept of a fair trial is as old as the law itself, and, it has been stated that the jury trial is the foundation stone on which the English and American freedoms have been based. Trial by jury was established in England in the Fourteenth Century when trial by ordeal and trial by battle were found to be inadequate. The fundamental elements were that the final verdict in every criminal case

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was given by the jury and not by the judge, and that all trials were public trials. Thus, the emphasis has been on the independence and fairness of the jury. The basis of the development of our whole law of evidence has been to permit only those facts and circumstances to be presented to the jury which are consistent with a jury determination of the truth of the matter in controversy. The jurors are laymen and our trial and error experience has taught us that we must protect against jurors being misled by something which a judge, with his training and experience, would know to be unfair or prejudicial. For example, hearsay evidence cannot be introduced because there is no safe way of testing its truth at the trial, out-of-court statements and confessions may not be admissible because of exacting evidentiary standards, etc. But, if people outside the court communicate to the jury matters that the law of evidence prohibits, then the fair trial concept can be rather easily frustrated, and this, of course, is true even though the outsider is a newspaper purportedly operating within the protective framework of freedom of the press.

With regard to the history of freedom of the press, we find that printing was first invented in the Fifteenth Century and brought to England in 1476. It, of course, brought about a complete revolution in the communication of thoughts. At first there were no controls, but it subsequently developed that a prior license was required. Licensing laws started in 1538 and were continued until 1694 when, because of a disagreement in the House of Commons on the terms of a new

bill, it was not renewed. Ever since then, there has been no prior license or permission required. However, it was not understood that freedom of the press embodied the absolute right to publish whatever the press wanted to publish without penalty; it was meant that the press had the same freedom to publish anything that an individual might say or write and nothing more. We are advised that a recent English statute has given newspapers a number of defenses against libel actions if the false statements are not malicious, that is, with a wrong motive and provided the matter involved is of public concern and the publication for the public benefit. (The English law presently appears to be very similar to the statement of law made by the Supreme Court of the United States in the recent New York Times case.³)

In England, there is no privilege and no defense if a newspaper knowingly or carelessly publishes anything that may interfere with a fair trial. For example, it is contempt of Court to publish the photograph of an accused person if an issue of identity has arisen, and it is contempt of Court to publish a newspaper story if an accused person has committed other similar crimes. Actually, the contempt of Court procedure has worked very effectively in England to preserve the essentials of a fair trial, and there is no

question but that in England preserving the fair trial is the vital thing. The effect of the procedure on the newspapers in England is expressed in the following remarks of Lord Chief Justice Parker :

"Almost all the national newspapers in London are read nightly for libel and contempt before they go to press. They are read not by some tame lawyer, but by practicing members of the Bar who are retained for this purpose,***".

In France there are severe statutory penalties for interference with fair trial.

The contempt procedure has not so developed in the United States and in the opinion of many lawyers has proven to be an ineffective weapon to preserve the bare essentials of fair trial. Until the middle of the Twentieth Century the rule was that the publication of matter which had a tendency to or was calculated to obstruct justice was punishable as contempt.⁵

In 1941 the Supreme Court of the United States in the case of Bridges v. California,⁶ discarded the "tendency" rule and adopted the "clear and present danger rule". In other words, publications did not constitute contempt unless they constituted a "clear and present danger" to the administration of justice. This rule has been followed by the Supreme Court in Pennekamp v. Florida,⁷ and Craig v. Harney.⁸ Mr. Justice Black in a lecture in 1960 and in an interview

of 1962 asserts that the rights set forth in the Bill of Rights, including freedom of the press, are "absolute" and subject to no qualifications whatsoever "without if's, but's or whereas's". He also denies the validity of all laws relating to libel or defamation. Opposed, of course, to this extreme position are those who assert that the right to freedom of the press is no license to print matters which violate the equally important constitutional right to a fair trial. They would characterize the right of freedom of the press, as did Blackstone, that there is a freedom against previous restraint, but no freedom from censor after publication.

(2) Nature and urgency of the problem

It, of course, is important to determine both the nature and the urgency of the problem. Mr. Justice Goldberg recently stated:⁹

"It is often urged that these rights are incompatible; that there can be no 'impartial jury' or 'due process of law' unless the press is under the control of the courts. I, for one, cannot agree that these rights are incompatible or divisible; that one must be sacrificed if the other is to survive."

* * *

"The press has a particularly acute responsibility in the area of crime reporting, especially in the pre-trial phase. Of course, here, as elsewhere, the press must report the news. Sup-

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pression of this news, like suppression of any other news, is not to be tolerated. The rights of accused persons, however, must also be respected."

While recognizing that the problem does exist to an extent,¹⁰ it appears that the generally held view of representatives of the communication media is that the ultimate responsibility (and perhaps sole discretion) for balancing the equities, so to speak, between the two freedoms must rest with the media. For example, Mr. Creed C. Black, Executive Editor of the Wilmington, Delaware News-Journal and Chairman of the Freedom of Information Committee of the American Society of Newspaper Editors, in an address at a symposium of the Massachusetts Joint-Bar Press Committee in Boston on May 5, 1964, stated:

"If this responsibility is imperfectly exercised in our still imperfect democratic society, it does not follow that press freedom should be abridged by law -- as now proposed here in Massachusetts -- or that press responsibility should or even can be shared with the Bar.

"To some extent, it is true that the Bar and press have a community of interests. But their interests are not identical, and for this reason I have strong doubts about the desirability -- much less the workability -- of joint codes by which the press makes a blanket commitment in advance not to print news of criminal proceedings.

* * *

"With or without codes, it is doubtful that the question before us today will ever be resolved to the satisfaction of all concerned. For as your own attorney general, Mr. Edward W. Brooke, said recently, 'The determination of what to print requires the exercise of very subtle judgment balancing the public's right to know and the defendant's rights to be tried in an atmosphere

free from preconceptions.

"In the opinion of Mr. Brooke, however, the 'best person to make these judgments is the editor.' I agree. And so, I remind you in closing, did the authors of the First Amendment."

Herbert Brucker, Editor, Hartford Courant, states his case thus:

"In such a fix, where does a newspaper's duty lie? I submit that it lies in defiance of the judge, even at the risk of jail. It is only because of just such defiance in past generations that we are free to print as we are today.

"In our day we should do no less. Why? Because the facts the judge sought to suppress were the truth. Read Wigmore and Bentham, and Cooley and even Blackstone, and you will see that public trial is not only the right of the accused, but also the right of society. This particular trial I have cited was of concern not only to the accused. It was also of concern to the people of Connecticut. For if a law is so severe that juries hesitate to convict under it, then that law is wrong, not publication of facts about what happens when it is applied. Only if the existence of the law is reported as an inherent part of a trial under it, when such a trial for a moment lights up the truth, can our legislative process function. How else than through publication at the moment when it matters can a legislature adjust the law to the need, and to the underlying will of the community?"

* * *

"Forgive me if I am skeptical of codes. *** But ask yourselves: Is not the press today more responsible than it was in 1791, when the First Amendment was embedded in the Constitution? And if it is, what are you worried about?"

* * *

"Let us both, then, continue to grow in responsibility and maturity."

* * *

"If both of us do this, we shall have both free press and fair trial. If we limit either, we shall have neither."

Mr. Lloyd M. Felmlly, Editor Emeritus, Newark News, states:

"And the obligation of a newspaperman is basically not to get what people want to give you, but to get what they don't want to give you. Why are we plagued today by thousands of public relations men? Not because they want to get things into the paper; they want to keep them out. Washington is full of them. Trenton is full of them. All the lobbies are full of them. Today if you want to get in the public light you hire a public relations man. Now the obligation of the press is to get through that facade and get the facts."

* * *

"It is on that basis, without trying to say that we will do this in every case, because every case is different. And I think the press to be free must be able to make its own decisions. It must not say, 'Well, I told somebody the week before last that I would do this,' and then be faced by a completely new set of circumstances where he can't do it, where the editor can't do it, to be trammled by some supposed agreement."ll

The above properly point up the considered and sincere attitudes of the representatives of the media. Furthermore, the media emphasize that the principal sources of their so-called prejudicial information are members of the Bar (either trial attorneys or prosecuting attorneys) and law enforcement officers, and that any curbs on information should be placed

on these sources rather than on the press.

On the other hand, it hardly seems necessary to argue the evils of "trial by newspaper". The following statement by Mr. Carrington in his article in the Texas Bar Journal (listed in the first footnote) will suffice.

"And yet, what did occur was nonetheless an orgy of publicity that should never be repeated. In the eyes of the members of the legal profession across the country that orgy of publicity about Oswald and his alleged crimes and the giving of details that would be evidence on any trial relating to such crimes, constituted an abuse of the freedom of the press, constituted an abuse of Oswald and created a serious hazard that, if convicted, his conviction might be reversed on account of the publicity. This excess of publicity has been called a 'discredit to the American System of Justice.'

"Assuming all this, I wish to urge that steps now be started to establish definite standards for the guidance not only of all lawyers involved in any such emergency but of all law enforcement officials and of all reporters and others connected with news media.

"As stated by Mr. Justice Jackson in Shepherd v. Florida, 241 U.S. at 53,

'Newspapers, in the enjoyment of their constitutional rights, may not deprive accused persons of their right to fair trial.'

"The opinion of Mr. Justice Jackson continued to state that whenever freedoms of the press are 'so abused as to make fair trial in the locality impossible,' a conviction must be reversed and the case removed for trial to a forum 'beyond its probable influence.' See also Irvin v. Dowd, 366 U.S. 717, Rideau v. Louisiana, 373 U.S. 723 and Craig v. Harney, 331 U.S. 367.

We have concluded that the problem is both real and urgent and that the present momentum should be continued until an acceptable solution is found. To date there have been many suggestions as to how to best solve the problem. We will

list and comment on them.

(3) Possible solutions

(a) We can accept the "absolute" doctrine of complete reliance upon the media, in their sole discretion, to act in a responsible manner. Along the same line would be to accept the basic position of the media that whether or not restrictions could legally be imposed, the best procedure is to depend upon the educated media to act in a responsible manner. Your committee is of the opinion that experience has shown that this is not an acceptable solution.

(b) We can depend upon "after the fact" relief, that is, after prejudicial publicity has occurred, a delay of the trial can be requested, a change of venue can be requested, a fuller use can be made of Voir Dire and we can request that the trial judge carefully instruct the jury. The committee is of the opinion that while these items should be utilized to the fullest extent, their availability does not amount to an acceptable solution. Mr. Justice Jackson's comments on the effectiveness of instructions pretty aptly summarize the real situation as to all of these items. He stated:

"The naive assumption that prejudicial effects can be overcome by instructions to a jury *** all practicing lawyers know to be unmitigated fiction."12

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(c) Many feel that the only effective remedy must come from appropriate rule or legislation setting forth in some detail as a guiding code the impermissible activities - an outline of things that should not be done. Experience has adequately demonstrated that members of the media cannot be depended upon adequately to police their own activities. While there is a constitutional question, the committee suggests that carefully worded legislation would probably be upheld by the Supreme Court. The Supreme Court in numerous cases has been very careful not only to protect but to enlarge the rights of individuals and the court (or at least a majority thereof) should permit some interference with freedom of the media if necessary for an individual to receive a fair trial. The strong language of Criminal Procedure Rule 53 adopted by the Supreme Court against photography and broadcasting connotes a strong position on fair trial, as does an implementing discussion by Mr. Justice Douglas in the American Bar Association Journal. 13

There would, of course, be no thought of an absolute restraint, but merely a statement of standards calculated to insure a fair trial, including the delaying of certain publicity, until the information is properly developed at the trial under governing rules of evidence (such as criminal record, pre-trial confessions, etc.).

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In this regard, changes could be made to strengthen the effectiveness of dealing with this problem by the contempt procedure, which has been so successful in England. Several persons have suggested such changes and the nature thereof would be to require a jury trial or a hearing by another judge so as to eliminate the summary aspects of contempt proceedings so objectionable to the press.

(d) A voluntary code of conduct such as adopted by the Bar and the press in Massachusetts.¹⁴ This certainly should be sought and is suggested by the committee for wide-spread adoption in any event. The success thereof, however, depends upon the conscientious application by the Bar and the representatives of the communication media.

(b) Fair trial - the Bar

The Bar must "place its own house in order". Canon 20 reads as follows:

"20. NEWSPAPER DISCUSSION OF PENDING LITIGATION.

"Newspaper publications by a lawyer as to pending or anticipated litigation may interfere with a fair trial in the Courts and otherwise prejudice the due administration of justice. Generally they are to be condemned. If the extreme circumstances of a particular case justify a statement to the public, it is unprofessional to make it anonymously. An ex parte reference to the facts should not go beyond quotation from the records and papers on file in the court; but even in extreme cases it is better to avoid any ex parte statement."

Canon 20 has been in effect since 1908 with no real enforcement. It should be vigorously enforced, and if need be, amended to facilitate such vigorous enforcement. There can be enforcement by the courts in so far as members of the bar are concerned, including prosecuting attorneys, under existing powers.

In this context it must be borne in mind the media assert that lawyers are not infrequent sources of information that should not be publicized.

(c) Fair trial - law enforcement officers

There can be curtailment of the unfair activities by law enforcement officers by contempt proceedings, and certainly such activities can be further controlled by specific implementing legislation. This includes all police agencies, both state and federal. Abuses in this area exist in both the criminal and civil fields.

Without doubt, law enforcement officers would be greatly helped by specific rules of conduct or guide lines because of the heavy pressures not infrequently put upon them by the media and sometimes the public.

There appears to be a substantial consensus that the most that should be disclosed by law officers before trial is that a suspect is held, naming him, and that the evidence will be

disclosed at the public hearing and not before. How else can he avoid being convicted in the public media before trial, if substantial incriminating evidence is released before trial, and probable guilt commented on by investigating agencies, prosecutors, and news media before the accused has his day in court.

Possibly no one could keep all of the evidence from the sleuths of the various media, but the media, too, we think, owe a duty of not interfering with the fairness of a coming court hearing.

There are, of course, cases where no one has been arrested, and investigating agencies release one or more items of evidence to the news media for the purpose of enlisting public assistance in tracing down or identifying the perpetrator. This seems a proper practice and unavoidable.

However, a suspect in custody is entitled to a fair trial against all of the forces of society, whatever their function.

Conclusion

The committee submits this portion of the report as tentative and informative in nature, in the hope that it will adequately point up the problem to the members of the House and the possible solutions. It is obvious, however, that success will depend upon a major effort by the entire

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organized bar, and to that end the committee suggests that this House of Delegates take appropriate action to insure that proper machinery for pursuing this matter to a successful conclusion is established. In this regard, it is suggested that an appropriate special committee be constituted which will bring to bear on this problem the ideas of all pertinent units in the Association, such as Professional Ethics, Professional Grievances, Jurisprudence and Law Reform, Effective Administration of Justice, Criminal Law, Bill of Rights, and any others with a jurisdictional interest in the subject matter.

It is hoped that from this pooling of ideas and judgments concrete recommendations will develop for appropriate action by the House.

II.

PRIMER ON THE BILL OF RIGHTS

Progress has been made in the preparation of the proposed primer on the Bill of Rights, but the work has not been completed. The amount of material compiled for the project is voluminous, and when it is finished for publication, which we hope will be possible during the ensuing year, it may be offered to the profession, not merely as a primer, but as a handbook embracing the most essential information concerning the origin, history, anatomy and present status of the Bill of Rights.

III.

STATUS OF CONSTITUTIONAL LIBERTIES

AS REFLECTED IN UNITED STATES

SUPREME COURT DECISIONS*

(a) Legislative apportionment

The most important decisions of the 1963 Term were those setting constitutional standards for legislative apportionment. These decisions are destined to have a profound effect upon the makeup of the United States House of Representatives and state legislatures.

In Wright v. Rockefeller, 84 Sup. Ct. 603 (February 17, 1964), New York's 1961 congressional districting was challenged on the ground that congressional districts on Manhattan had been drawn with racial consideration in mind. The complaint alleged that three of Manhattan's four districts included overwhelming numbers of non-white citizens, while one district excluded non-Caucasians. The United States Supreme Court agreed with the finding of a three-judge United States District Court that the

* For the second successive year, Professor William Cohen (School of Law, U.C.L.A.) has "pulled the laboring oar" in the preparation of this portion of the report. The Committee is grateful to him.

charge of racial discrimination in districting was not proved. Justices Douglas and Goldberg dissented, contending that complainants' proof required the State to introduce affirmative evidence which negated the prima facie demonstration that racial lines had been drawn. The majority, in accepting the findings of the court below, avoided problems of judgment of Gerrymandering which are more difficult than judging the relative equality of the size of voting districts. Cf. Gomillion v. Lightfoot, 364 U.S. 339.

Art. 1, § 2, of the Constitution requires that Representatives be chosen "by the people of the several states" In Wesberry v. Sanders, 84 Sup. Ct. 526 (February 17, 1964), the Court held that the Constitution thus requires that congressional districts within a state be "as nearly as is practicable" of equal population. Because the Court tied its decision to an interpretation of Art. 1, § 2, it was unnecessary in the Wesberry case to consider the implications of the Equal Protection Clause of the Fourteenth Amendment with reference to alleged inequality of voting rights. The Court did, however, reiterate the "one person, one vote" theme of Gray v. Sanders, 372 U.S. 368. The practical significance of the decision was underlined by Mr. Justice Harlan's dissent, which

pointed out that in all but five states, the difference between the largest and smallest congressional district exceeds 100,000 persons.

Building upon Gray v. Sanders and Wesberry v. Sanders, the Court adjudicated a series of cases on June 15, 1964, holding that the Equal Protection Clause of the Fourteenth Amendment requires that both houses of bicameral State legislatures be apportioned on the basis of population. Reynolds v. Sims, 84 Sup. Ct. 1362; WMCA, Inc. v. Lomenzo, 84 Sup. Ct. 1418; Lucas v. General Assembly, 84 Sup. Ct. 1472; Maryland Committee for Fair Representation v. Tawes, 84 Sup. Ct. 1442; Davis v. Mann, 84 Sup. Ct. 1453; Roman v. Sincock, 84 Sup. Ct. 1462. The Chief Justice stated, for the Court:

"Legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests. As long as ours is a representative form of government, and our legislatures are those instruments of government elected directly by and directly responsible to the people, the right to elect legislators in a free and unimpaired fashion is a bedrock of our political system." Reynolds v. Sims, 84 Sup. Ct. at 1382.

Moreover, the analogy of the United States Senate was held to be inapposite since political subdivisions of states have never been sovereign entities. Nor will the stamp of

approval of a majority of the state's voters justify an unconstitutional scheme of apportionment. Justices Clark and Stewart, in dissent, urged that the Fourteenth Amendment prohibits only those apportionment schemes which were "arbitrary and capricious." Mr. Justice Harlan, who has consistently dissented in Baker v. Carr, 369 U.S. 186, and its progeny, argued that the decisions placed state legislatures "under the pervasive overlordship of the federal judiciary." 84 Sup. Ct. at 1396.

(b) Criminal Procedure.

As was true of the 1962 Term, the 1963 Term was marked by a large number of cases giving specific content to the Bill of Rights in the context of criminal procedure. It saw, in addition, the overruling by a sharply divided Court of many constitutional law landmarks which themselves had occasioned spirited dissent.

(1) Police interrogation.

The decision in this area which will have important practical impact on police interrogation practices is Escobedo v. Illinois, 32 U.S.L. Week 4605 (U.S. June 22, 1964). In Escobedo, the Court's prior decisions in Crooker v. California, 357 U.S. 433, and Cicenia v. Lagay, 357 U.S. 504, were substantially overruled. Both the overruled and overruling cases were five-to-four decisions.

Escobedo's retained lawyer had been denied permission to consult him after Escobedo was arrested. The Court held, in an opinion by Mr. Justice Goldberg, that Escobedo's confession, while voluntary, must be excluded because Escobedo had been denied the right to consult with counsel. The Court's holding was summed up thus:

".... when the process shifts from investigatory to accusatory -- when its focus is on the accused and its purpose is to elicit a confession -- our adversary system begins to operate, and, under the circumstances here, the accused must be permitted to consult with his lawyer." 32 U.S.L. Week at 4609.

The extent to which police may continue to interrogate suspects of crime will depend upon amplification of the distinction between "investigation" and "accusation", and upon whether an accused person is entitled to be informed of his right to counsel and whether an indigent accused is entitled to be furnished counsel before interrogation.

The troublesome problems of electronic eavesdropping, police interrogation of defendants previously indicted, and the right to counsel during interrogation were combined in Massiah v. United States, 84 Sup. Ct. 1199, 1274 (May 18, 1964). Defendant, indicted for violation of federal narcotics laws and free on bail pending trial,

engaged in a conversation with a co-defendant, Colson, in Colson's car. Colson had decided to cooperate with the prosecution, and had permitted installation of a radio transmitter in the car, allowing government agents to overhear the conversation. Incriminating statements made by Massiah were introduced in evidence against him at his trial, which resulted in conviction. Mr. Justice Stewart's opinion for the Court, reversing, relied heavily upon the rationale which he had espoused in his concurring opinion in Spano v. New York, 360 U.S. 315, 325 (1959), that a defendant formally charged with crime could not be interrogated in the absence of counsel. The Massiah case is, of course, unusual in that the defendant was not interrogated while in custody in the police station. Mr. Justice Stewart quoted Judge Hays' dissent in the Court below that "Massiah was more seriously imposed upon . . . because he did not even know that he was under interrogation by a government agent." 307 F.2d at 72-73. Justices White, Clark and Harlan, dissented.

(2) Self-incrimination

It has been hornbook Constitutional law that the Fourteenth Amendment does not incorporate the Bill of Rights as guarantees against the States, and specifically

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that the Fifth Amendment's privilege against self-incrimination was not safeguarded, Twining v. New Jersey, 211 U.S. 78. But there were four dissents to the Court's last authoritative announcement of the rule. Adamson v. California, 332 U.S. 46. And, in Cohen v. Hurley, 366 U.S. 117, four dissenting Justices indicated dissatisfaction with the Twining - Adamson rule. The decision in Malloy v. Hogan, 84 Sup. Ct. 1489 (June 15, 1964), holding the privilege against self-incrimination available in a state investigatory procedure was not unexpected. Justice Brennan stated that, once it was conceded that the Fourteenth Amendment imposed minimal protection against compulsory self-incrimination,

" . . . It would be incongruous to have different standards determine the validity of a claim of privilege based on the same feared prosecution, depending on whether the claim was asserted in a state or federal court. . . . " 84 Sup. Ct. at 1495.

Justices Harlan, Clark, Stewart and White dissented.

The holding of United States v. Murdock, 284 U.S. 141, and Feldman v. United States, 322 U.S. 487, that a state may compel a person to give testimony which will incriminate him under federal law, has likewise sharply divided the Court in recent years. See Knapp v. Schweitzer, 357 U.S. 371. Murphy v. Waterfront Commission, 84 Sup. Ct.

1594 (June 15, 1964), overrules Feldman and Murdock.

Mr. Justice Goldberg's opinion for the Court reasoned that neither history nor concepts of federalism permitted whipsawing a defendant into incriminating himself under both state and federal law.

(3) Trial by jury.

The criminal contempt proceedings against Ross R. Barnett, the former governor of Mississippi, were held not to require a jury trial in one of the 1963 Term's most celebrated cases. United States v. Barnett, 84 Sup. Ct. 984 (April 6, 1964). While the Court answered the question certified to them -- whether Governor Barnett was entitled to jury trial -- in the negative, the case produced, in a backhanded manner, new and significant constitutional doctrine. Mr. Justice Goldberg, in a dissent joined by the Chief Justice and Justice Douglas, argued that the Constitutional right to jury trial in criminal cases required furnishing a jury to a person accused of criminal contempt whose offense was punishable by more than a minor penalty. His conclusion was reached on the basis of evidence that, at the time of the adoption of the Constitution, criminal contempts triable without the jury were punishable by trivial penalties and were simply a particular example of "petty offenses"

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triable without jury. In a separate dissenting opinion, Mr. Justice Black adhered to the position taken in his dissenting opinion in Green v. United States, 356 U.S. 165, wherein he had urged that the Bill of Rights required jury trial of criminal contempt. And, at the end of a long footnote to Mr. Justice Clark's opinion for the Court, the following statement appears: "In view of the impending contempt hearings, effective administration of justice requires that this dictum be added: Some members of the Court are of the view that, without regard to the seriousness of the offense, punishment by summary trial without a jury would be constitutionally limited to that penalty provided for petty offenses." 84 Sup. Ct. at 992, n.12. In the past few years, sentences of imprisonment for contempt of one to three years have been upheld. Since some members of the Court's majority would not sustain such serious sentences for criminal contempt in the absence of jury trial, it is clear that, considering the positions taken by the four dissenters, the Court as presently constituted would not uphold serious penalties for criminal contempt in the absence of jury trial. In his dissent, Mr. Justice Black stated that limiting punishment to that customarily meted out for petty offenses was welcomed

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"as a halting but hopeful step in the direction of ultimate judicial obedience to the doubly proclaimed constitutional command that all people charged with a crime, including those charged with criminal contempt must be given a trial with all the safeguards of the Bill of Rights, including indictment by grand jury and trial by jury." 84 Sup. Ct. at 1031.

In Stein v. New York, 346 U.S. 156, a divided Court held that the Fourteenth Amendment did not preclude New York's procedure whereby a confession claimed, on disputed facts, to be coerced is submitted to the jury. The jury is permitted to convict, despite finding the confession to be coerced, although it is instructed to "disregard" a confession found by it to be coerced. In Jackson v. Denno, 32 U.S.L. Week 4620 (U.S. June 22, 1964), the Court overruled Stein, and held, by a vote of five to four, that the New York procedure did not provide an adequate hearing. The Court reasoned that, since "reliability" and "coercion" of the confession were distinct issues, and the general verdict of guilty masked the jury's actual resolution of the coercion of the confession and encouraged jury consideration of "reliable" but "coerced" confessions, a petitioner seeking federal habeas corpus was entitled to a judicial hearing in the New York courts on the voluntariness

of his confession. Justices Black, Clark, Harlan and Stewart dissented. Justice Black stated:

" . . . the Court's new constitutional doctrine is, it seems to me, a strange one when we consider that both the United States Constitution and the New York Constitution establish trial by jury of criminal charges as a bedrock safeguard of the people's liberties." 32 U.S.L. Week 4631

In Arnold v. North Carolina, 84 Sup. Ct. 1032 (April 6, 1964), convictions of Negro defendants for murder in Lenoir County, North Carolina, were reversed because of consistent exclusion of Negroes from grand jury service.

In Coleman v. Alabama, 84 Sup. Ct. 1152 (May 4, 1964), the Court held that a Negro defendant convicted in Greene County, Alabama, of murder was entitled to introduce evidence that Negroes had been arbitrarily and systematically excluded from sitting on the grand jury and petit jury.

(4) Search and seizure

In Aguilar v. Texas, 84 Sup. Ct. 1509 (June 15, 1964), the Court held that federal standards governed the obtaining of search warrants under state law. Texas police obtained a search warrant for narcotics upon an affidavit which alleged in conclusory terms that they had "received reliable information from a credible person" that narcotics were kept at the described premises. The Court held that the conclusory allegations did not permit the magistrate issuing the warrant to exercise independent

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judgment as to the existence of probable cause. Justices Clark, Black and Stewart dissented on the ground, inter alia, that Giordenello v. United States, 357 U.S. 480, relied upon by the majority, was based upon the Federal Rules of Criminal Procedure rather than the Constitution.

In Fahy v. Connecticut, 84 Sup. Ct. 229 (December 2, 1963), the Court reversed the state court conviction of defendants who had painted swastikas on synagogues, because of the admission into evidence of a can of paint and a paint brush which had been illegally seized by state officers. A majority of the Court found it unnecessary to determine whether the exclusionary rule of Mapp v. Ohio, 367 U.S. 643, is qualified by the rule of "harmless error," because it concluded that the admission of the evidence had been prejudicial. Mr. Justice Harlan, joined by Justices Clark, Stewart and White, dissented, contending that the State court had appropriately applied its harmless error rule to uphold the conviction. The much mooted question whether the harmless error rule applies to illegally seized physical evidence thus continues to be an open one. Cf. Kremen v. United States, 353 U.S. 346 (1957).

In Preston v. United States, 84 Sup. Ct. 881 (March 23, 1964), the search of an automobile had been undertaken

after the defendant had been arrested and taken in custody to the police station and the car had been towed to the garage. A unanimous Court held that the search could not be justified as "incident" to the arrest. And, in Stoner v. California, 84 Sup. Ct. 889 (March 23, 1964), the Court held that consent of a hotel clerk did not justify search of a hotel room without a search warrant. See Lustig v. United States, 338 U.S. 74; United States v. Jeffers, 342 U.S. 48.

In Rugendorf v. United States, 84 Sup. Ct. 825 (March 30, 1964), a sharply divided Court held that the identity of a government informant, whose information provided the basis for probable cause upon which a search warrant was issued, need not be disclosed by a federal prosecutor. Mr. Justice Douglas' dissent, joined by the Chief Justice and Justices Brennan and Goldberg, argued that the identity of the informant was relevant to issues of guilt and innocence as well as to the issue of the validity of the search warrant. Compare Roviaro v. United States, 353 U.S. 53 with Jones v. United States, 362 U.S. 257.

(5) Miscellaneous decisions

In Ungar v. Sarafite, 84 Sup. Ct. 841 (March 30, 1964), the Court upheld a state criminal contempt prosecution based on "intemperate and strongly worded" refusal to

answer questions put by the prosecution in a criminal trial. The Court held that the record did not establish that the trial judge was biased. Justice Douglas, joined by Justices Black and Goldberg in dissent, argued that, as a matter of Due Process, the judge who cited the defendant for contempt should not have presided over the contempt trial.

Tateo's plea of guilty during his federal criminal trial was held to have been coerced and set aside. The Court held that the Fifth Amendment's double jeopardy clause did not bar his retrial. United States v. Tateo, 84 Sup. Ct. 1587 (June 8, 1964), Distinguishing the decision last year in Downum v. United States, 372 U.S. 734, the Court held that not all cases in which a trial prematurely terminates without the defendant's genuine consent preclude retrial. Justices Goldberg, Black and Douglas dissented.

(c) Freedom of speech and press.

(1) Defamation.

In March, 1960, the New York Times carried a controversial advertisement, which sought to raise funds for "the defense of Martin Luther King, the support of the embattled students, and the struggle for the right to vote."

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One paragraph in the advertisement stated that student demonstrators had been expelled from school and the Alabama State College campus had been ringed with truckloads of police armed with shot guns and tear gas. In another portion of the advertisement, it was stated that "Southern violators" had answered peaceful protests by Martin Luther King with "intimidation and violence," including seven arrests. An elected Commissioner of the city of Montgomery, Alabama, whose duties included supervision of the police and fire department, brought suit for damages in an Alabama state court and recovered damages of \$500,000 against the New York Times. Although not mentioned in the advertisement by name, he claimed that references to the "police" reflected adversely on him. In reversing the judgment, the United States Supreme Court for the first time considered the extent to which the guarantees of freedom of speech and freedom of the press apply to limit civil liability for defamation. New York Times Co. v. Sullivan, 84 Sup. Ct. 710 (March 9, 1964). The Court held that the state was required to accord to the defendant the defense of fair comment, that the privilege of fair comment could be defeated only by a showing of "actual malice" in the sense of knowledge of falsity or reckless disregard of truth, and that the facts did not support such a finding. The facts in the case were extreme:

a half million dollar judgment had been allowed based upon the circulation of a few copies of an advertisement supporting a controversial cause which did not name political officials and did not appear to reflect adversely upon any person. The Court's holding, however, may require reconsideration of much of the law of defamation, which often has developed with insufficient regard for the values represented by free speech and a free press. For example, prior to the Sullivan case, a majority of state courts had held that the privilege of public discussion extended only to matters of opinion and did not extend to false assertions of fact. Prosser, Torts 621-622 (2d Ed. 1955). Other aspects of the complex and diverse state laws of defamation must now be scrutinized and judged with reference to standards supplied by the Constitution. Given the complexities of the subject, and the great diversity among the laws of the states, the task may be a difficult one. See Prosser, Interstate Publication, 51 Mich. L. Rev. 959 (1953).

(2) Obscenity

Jacobellis v. Ohio, 32 U.S.L. Week 4652 (U.S. June 22, 1964), demonstrates that the constitutional standard for judging obscenity of works which would otherwise be entitled to protection under the First Amendment is difficult

of application. Jacobellis was convicted of showing an obscene film for exhibiting "The Lovers," which contained an explicit love scene in the last reel. No opinion garnered more than two votes, although six Justices voted to reverse the conviction. Justice Brennan's opinion, joined by Justice Goldberg, found the film not obscene on the basis of the test expounded in Mr. Justice Brennan's opinion for the Court in Roth v. United States, 354 U.S. 476, 489, -- "whether to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to prurient interest." Justice Brennan emphasized the importance of the Court's exercise of independent judgment on the issue of obscenity, and that the reference to "community standards" in Roth referred to society at large rather than the standards of a particular geographic community. Justices Black and Douglas adhered to their previously stated position that the First and Fourteenth Amendments preclude all obscenity prosecutions. Justice Stewart stated, although he could not define the term, that only "hard-core pornography" came within the power of the State to suppress. Justice White concurred without opinion. The Chief Justice and Justice Clark, dissenting, urged that the Court not act as "ultimate censor," and that state convictions should

be upheld so long as supported by sufficient evidence. Justice Harlan found the film not obscene on the basis of standards he had previously enunciated in his separate opinion in Roth v. United States, 354 U.S. 476, 496. While the medley of opinions rendered make generalization dangerous, the Jacobelis case would appear to immunize serious books, plays and movies from obscenity prosecution, leaving the states free to prosecute "hard-core" pornography, for which no better definition is available than that given by Justice Stewart: "I know it when I see it."

On the basis of the Court's divided reasoning in Jacobelis, two other state obscenity prosecutions were reversed summarily. Tralins v. Gerstein, 84 Sup. Ct. (June 22, 1964); Grove Press v. Gerstein, 84 Sup. Ct. (June 22, 1964). The Chief Justice, and Justices Clark, Harlan and White recorded dissents to the granting of certiorari. The latter case involved Henry Miller's "Tropic of Cancer."

The obscenity issue also fragmented the Court in A Quantity of Copies of Books v. Kansas, 84 Sup. Ct. (June 22, 1964). A Kansas statute authorized the seizure of allegedly obscene books prior to determination of obscenity and, after such determination, their destruction. Justice Brennan's opinion, joined by the Chief Justice,

Justice White and Justice Goldberg, urged that seizure of allegedly obscene books on ex parte order without prior adversary notice and hearing went beyond state power to regulate obscenity. Justices Black and Douglas concurred on the ground that all obscenity laws were unconstitutional. Justice Stewart concurred on the ground that the books involved were not hard-core pornography. Justices Harlan and Clark dissented, emphasizing that the order of seizure named specific titles and that there was judicial examination of the offending materials prior to issuance of the order. Cf. Marcus v. Search Warrant, 367 U.S. 717.

(3) Miscellaneous cases

In Henry v. City of Rock Hill, 84 Sup. Ct. 1042 (April 6, 1964), the Court held that civil rights demonstrators in South Carolina could not constitutionally be punished for breach of the peace under a state statute which permitted conviction upon mere evidence that opinions had been expressed which were unpopular. The case had previously been remanded to the South Carolina Supreme Court for reconsideration in light of Edwards v. South Carolina, 372 U.S. 229 (1963).

As we indicated in our report last year, the Supreme

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Court's decision in NAACP v. Button, 371 U.S. 415, was susceptible of application beyond the confines of the Virginia "Race Litigation Statute" therein involved. Brotherhood of Railroad Trainmen v. Virginia, 84 Sup. Ct. 1113 (April 20, 1964), is of extreme importance to the organized bar in its implications concerning the constitutional necessity of permitting some form of "group legal services." In the Button case, the Court had held that Virginia could not constitutionally preclude the National Association for the Advancement of Colored People from advising prospective litigants to seek the assistance of particular attorneys to advance the functions of the Association. Here, the Court held that the Railroad Brotherhood could not be enjoined from carrying out a plan whereby injured workers were referred to particular lawyers. Mr. Justice Clark, joined in dissent by Justice Harlan, maintained that the Button case was distinguishable since it involved organization for purposes of political expression, whereas no First Amendment rights surrounded personal injury litigation.

(d) Loyalty and security

The State of Washington required all teachers to swear to support the Constitution and laws of the State and of

the United States and "by precept and example promote respect for the flag and institutions . . . , reverence for law and order and undivided allegiance to the government of the United States." State employees were further required to swear that they were not "subversive persons." The latter term was defined to include persons who "aid in the commission of any act intended to overthrow, destroy or alter . . . the constitutional form of government of the United States, or of the State of Washington." The Court held the required oaths to be unconstitutionally vague, relying upon last year's decision in Cramp v. Board of Public Instruction, 368 U.S. 278. Baggett v. Bullitt, 84 Sup. Ct. 1316 (June 1, 1964).

"The uncertain meanings of the oaths require the oath-taker -- teachers and public servants -- to 'steer far wider of the unlawful zone,' . . . than if the boundaries of the forbidden areas were clearly marked. Those with a conscientious regard for what they solemnly swear or affirm, sensitive to the perils posed by the oath's indefinite language, avoid the risk of loss of employment, and perhaps profession, only by restricting their conduct to that which is unquestionably safe. Free speech may not be so inhibited." 84 Sup. Ct. at 1323

Justices Clark and Harlan dissented.

In 1958, the Court held that the right to travel abroad was 'liberty' guaranteed by the Due Process Clause of the Fifth Amendment. Kent v. Dulles, 357 U.S. 116.

On June 22, 1964, the Court measured the scope of that "liberty" for the first time, holding unconstitutional the provisions of the Subversive Activities Control Act denying passports to communists, Aptheker v. Secretary of State, 32 U.S.L. Week 4611. The Court held the statute unconstitutional on its face, in that it was not narrowly drawn to prohibit attainment of illegal aims of communists abroad, who would be prohibited from travel regardless of their reasons for application for a passport. Justice Clark, joined by Justices Harlan and White in dissent, urged that the statute was justified by Congress' finding that foreign travel by domestic communists is a prerequisite for the activities of the communist movement.

(e) The Constitution and racial matters

For the third year in a row, the Court failed to reach the ultimate constitutional issue in a series of cases, decided June 22, 1964, reversing state criminal trespass convictions of sit-in demonstrators on narrow grounds. Bell v. Maryland, 32 U.S.L. Week 4664; Bouie v. Columbia, 32 U.S.L. Week 4701; Barr v. Columbia, 32 U.S.L. Week 4714; Robinson v. Florida, 32 U.S.L. Week 4716; Griffin v. Maryland, 32 U.S.L. Week 4717. In some of the cases, Justices Douglas, Black, Harlan and White

believed the Court improperly failed to reach the large issues. The Chief Justice and Justice Goldberg joined the opinions of the Court but agreed with Justice Douglas that, if the larger issues were presented, the convictions were the product of unconstitutional state action. Justice Goldberg concluded that:

"The constitutional right of all Americans to be treated as equal members of the community with respect to public accommodations is a civil right granted by the people in the Constitution -- a right which is too important in our free society to be stripped of protection." 32 U.S.L. Week 4692

Mr. Justice Black who, with Justices Harlan and White, would have affirmed some of the convictions, concluded that mere judicial enforcement of trespass statutes did not render the restaurant owner's refusal of service to Negroes unconstitutional "state action":

"The Amendment does not forbid a State to prosecute for crimes committed against a person or his property, however prejudiced or narrow the victim's views may be. Nor can whatever prejudice and bigotry the victim of a crime may have be automatically attributed to the state that prosecutes." 32 U.S.L. Week 4695

Mr. Justice Black also rejected the argument of the Solicitor General of the United States that deep-seated historical patterns of racial segregation combined with the trespass prosecutions to equal unconstitutional "state action."

"If it were accepted, we would have one Fourteenth Amendment for the South and a different and more lenient one for the other parts of the country." 32 U.S.L. Week 4697

As of this writing, it is too early to forecast whether passage of the public accommodations provisions of the United States Civil Rights Act will have made it unnecessary to resolve the sharp class of views in which three Justices have here declined to participate.

In 1951, the parents of Negro school children living in Prince Edward County, Virginia, brought suit in Federal Court seeking admission of their children to public schools attended solely by white children. The Prince Edward County case was one of those cases combined in the Decision of Brown v. Board of Education, 347 U.S. 483 (1954) and 349 U.S. 294 (1955). The closing of Prince Edward County's public schools in 1959, combined with governmental tuition grants to white pupils attending "private schools," has been a matter of national notoriety. On May 25, 1964, the Supreme Court agreed with the United States District Court that closing of the Prince Edward County's Schools, while public schools in all other counties of Virginia were open, denied Negro pupils equal protection of the laws. The Court held that it was within the power of the District Court to enter an order requiring the reopening of public schools in Prince Edward County. Mr. Justice Black's opinion stated that "an order of this

kind is within the Court's power if required to assure these petitioners that their constitutional rights will no longer be denied them. The time for mere 'deliberate speed' has run out, and that phrase can no longer justify denying these Prince Edward County School children their constitutional rights to an education equal to that afforded by the public schools in the other parts of Virginia." Griffin v. Prince Edward County School Board, 84 Sup. Ct. 1226, (May 25, 1964). The opinion also pointed out that "there has been entirely too much deliberation and not enough speed in enforcing the constitutional rights which we held in Brown v. Board of Education, supra, had been denied Prince Edward County Negro children." 84 Sup. Ct. at 1232. On the same day in Calhoun v. Latimer, 84 Sup. Ct. 1235, the Court remanded for reconsideration to the District Court a case involving the validity of Atlanta's grade-a-year school integration plan, specifically directing the trial court's attention to the fact that ten years had passed since the first Brown decision and that the "all deliberate speed" language of that decision must be judged in that context.

The case of NAACP v. Alabama reached the United States Supreme Court for the fourth time since the NAACP was

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enjoined in 1956 by an Alabama Court from doing business in Alabama. The Association's right to operate in Alabama had been sustained, on First Amendment grounds, in 1958 (NAACP v. Alabama, 357 U.S. 449) and in 1959 (NAACP v. Alabama, 360 U.S. 240). See also NAACP v. Alabama, 368 U.S. 16 [1961]. In this case, NAACP v. Alabama, 84 Sup. Ct. 1302 (June 1, 1964), the Court held that the "charges" whereby the Association had been enjoined from operating in Alabama lacked foundation and that members of the Association had thus been denied freedom of association. While the Court was requested to formulate a decree for entry in the Alabama courts (cf. Martin v. Hunter's Lessee, 1 Wheat. (14 U.S.) 304), the case was remanded to the Alabama Supreme Court for further proceedings. The Court concluded:

"Should we unhappily be mistaken in our belief that the Supreme Court of Alabama will promptly implement this disposition, leave is given the Association to apply to this Court for further appropriate relief." 84 Sup. Ct. at 1315.

In Anderson v. Martin, 84 Sup. Ct. 454 (Jan. 13, 1964), the Court held that a Louisiana Statute which required racial designation of candidates for elective office violated the Fourteenth Amendment. The impact of the statute was to place "the power of the State behind a racial classification that induces racial prejudice at the polls." 84 Sup. Ct. at 456.

(f) Expatriation

As we indicated in our report last year, there is continuing uncertainty as to the extent of the power of Congress to expatriate American citizens, and as to the validity of the holding in Perez v. Brownell, 356 U.S. 44 (1958) that a citizen could constitutionally lose his citizenship by voting in a foreign political election. The doubts were heightened last year by Mr. Justice Brennan's separate statement in Kennedy v. Mendoza-Martinez, 372 U.S. 144, that he had reservations as to the correctness of the decision in the Perez case, which he had joined. In Schneider v. Rusk, 84 Sup. Ct. 1187 (May 18, 1964), the Court held unconstitutional Section 301 (a) (7) of the Immigration and Nationality Act of 1952, which provided for loss of citizenship by naturalized citizens who had resided for three years in the state of their former nationality. Mr. Justice Douglas' opinion for the Court reasoned that, unlike Perez, withdrawal of citizenship did not serve legitimate ends of Congress in the conduct of foreign affairs. Mr. Justice Brennan did not participate, and Justice Clark dissented, joined by Justices Harlan and White.

In the light of the non-participation of Mr. Justice

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Brennan, the statement by Mr. Justice Douglas that the position that Congress totally lacks power to remove citizenship in the absence of voluntary renunciation had "not yet commanded a majority of the entire Court" 84 Sup. Ct. at 1189 (emphasis added) takes on added significance. And, on the same day, the decision of the United States Court of Appeals for the Second Circuit that a citizen could constitutionally be expatriated for service in Castro's rebel army was affirmed by an equally divided Court, with Mr. Justice Brennan not participating. Marks v. Esperdy, 315 F. 2d 673 (2d Cir. 1963), aff'd 84 Sup. Ct. 1224. Should Mr. Justice Brennan participate in cases involving this problem in the future, it may be possible for the Court to announce a definitive rule in this troublesome and difficult area of constitutional law.

FOOTNOTES

1. There is a wealth of information on the subject. Examples of reference material, available to any interested person, are as follows:
 - (a) Free Press and Free Trial - A Symposium appearing in the February, 1964 Edition of The Quill.
 - (b) Various papers presented at a Symposium on the subject "Do the People Have a Right to know?", held in Boston on May 5, 1964, sponsored by Massachusetts Newspaper Information Service, Massachusetts Broadcasters Association, Massachusetts Bar Association and Boston Bar Association.
 - (c) Thirty-Ninth Report of the Judicial Council of Massachusetts for 1963, Public Document No. 144 containing among other things copies of an address by Lord Chief Justice Parker of England, an address by Emery H. Niles, Chief Judge of the Supreme Court of Baltimore City, and an address by Bernard S. Meyer, Judge of the Supreme Court of New York.
 - (d) Report of the committee on Civil Rights of the New York County Lawyers' Association entitled, "Television and the Accused."
 - (e) Various statements and other information made available by the American Civil Liberties Union, New York, New York.
 - (f) Article entitled, "Too Much Publicity" by Paul Carrington in Vol. 27, No. 2 Texas Bar Journal, February 22, 1964.
 - (g) Annual Press Seminar, New Jersey Press Association, "News Coverage of the Courts", April 9, 1964 at Rutgers University.
2. The Supreme Court of California in People v. Lambright (June, 1964) reversed (6 to 1) a second degree murder conviction on the ground that the jury had access to a newspaper which published an account of testimony that the trial judge had ruled inadmissible.
3. New York Times Co. v. Sullivan, 376 U.S. 254, 84 S.Ct. 710, 11 L. Ed.2d 686.

4. Taken from address to the Trial Judges Conference in San Francisco in August, 1962.
5. Toledo Newspaper Co. v. United States, 247 U.S. 402, 62 L.Ed. 1186.
6. 314 U.S. 252, 86 L. Ed. 192.
7. 328 U.S. 331, 90 L. Ed. 1295.
8. 331 U.S. 367, 91 L.Ed. 1546.
9. Taken from a recent address by Mr. Justice Goldberg to the American Society of Newspaper Editors.
10. See for example comment by Herber Brucker, Editor, Hartford Courant at Bar-Press Symposium in Boston.

"Obviously there should not be any such thing as trial by newspaper. Spokesmen for bar and bench repeat this catch phrase so often that they seem to believe it. But I ask you: Show me one example of trial by newspaper. If there were such a thing, then innocent people would be railroaded into prison. Are they? Can any person in this room point to a single innocent man actually tried in a newspaper, and because of that trial by newspaper hounded falsely into prison?"

And, see the following remark by Creed C. Black, Executive Editor, Wilmington News-Journal at same Symposium:

"And it is to say further that I am more concerned about criminal proceedings which receive too little attention from both the bar and press than about those which receive too much.

"We are all familiar, of course, with the celebrated trials in which a Ruby or a Hoffa is represented by platoons of lawyers and where swarms of newsmen are on hand. But let us remember, as Justice Black recently pointed out, that elsewhere in this land of justice for all, other men are being tried and sentenced daily without benefit of even a single lawyer. And let us remember, too, that while some courts are trying to find space to accommodate the newsmen who want in, others seldom see a reporter."

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11. At the New Jersey Press Association Annual Press Seminar on "News Coverage of the Courts", April 9, 1964, Rutgers University.
12. Krulewitch v. United States, 336 U.S. 440, 93 L. Ed. 790.
13. Mr. Justice William O. Douglas "The Public Trial and the Free Press" 46 ABAJ, 840 (August, 1960).
14. The principles approved in Massachusetts are:

FOR THE PRESS

"Newspapers in publishing accounts of crime should keep in mind that the accused may be tried in a court of law.

To preserve the individual's rights to a fair trial, news stories of crime should contain only a factual statement of the arrest and attending circumstances.

The following should be avoided:

- (1) Publication of interviews with subpoenaed witnesses after an indictment is returned.
- (2) Publication of the criminal record or discreditable acts of the accused after an indictment is returned or during the trial unless made part of the evidence in the court record. The defendant is being tried on the charge for which he is accused and not on his record. (Publication of a criminal record could be grounds for a libel suit.)
- (3) Publication of confessions after an indictment is returned unless made a part of the evidence in the court record.
- (4) Publication of testimony stricken by the court unless reported as having been stricken.
- (5) Editorial comment preceding or during trial, tending to influence judge or jury.
- (6) Publication of names of juveniles involved in juvenile proceedings unless the names are released by the judge.

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- (7) The publication of any "leaks", statements or conclusions as to the innocence or guilt, implied or expressed, by the police or prosecuting authorities or defense counsel.

FOR THE BAR

To preserve the individual's right to a fair trial in a court of law the following guide lines are prescribed for the Bar.

- (1) A factual statement of the arrest and circumstances and incidents thereof of a person charged with a crime is permissible, but the following should be avoided:
- (A) Statements or conclusions as to the innocence or guilt, implied or expressed, by the prosecuting authorities or defense counsel.
 - (B) Out-of-court statements by prosecutors or defense attorneys to news media in advance of or during trial, stating what they expect to prove, whom they propose to call as witnesses or public criticism of either judge or jury.
 - (C) Issuance by the prosecuting authorities counsel for the defense or any person having official connection with the case of any statements relative to the conduct of the accused, statements, "confessions" or admissions made by the accused or other matters bearing on the issue to be tried.
 - (D) Any other statement or press release to the news media in which the source of the statement remains undisclosed.
- (2) At the same time, in the interest of fair and accurate reporting, news media have a right to expect the cooperation of the authorities in facilitating adequate coverage of the law enforcement process.

Alfred J. Schweppe, Chairman
Douglas Arant
Herschel H. Friday, Jr.
William P. Gray
Rush H. Limbaugh
Dugas Shands
Lee B. Thompson

6

July 22, 1964

UNITED STATES GOVERNMENT

Memorandum

TO : W. C. Sullivan *WCS*

DATE: September 2, 1964

FROM : R. W. Smith *RWS*

SUBJECT: "PEACEFUL COEXISTENCE, A COMMUNIST
BLUEPRINT FOR VICTORY," PUBLISHED IN
AUGUST, 1964, BY THE AMERICAN BAR ASSOCIATION
CENTRAL RESEARCH MATTER

1 - Belmont
1 - J.P. Mohr
1 - Gale
1 - Edwards

1 - Sullivan
1 - Research-
Satellite Section
1 - Garner
1 - J.M. Sizoo

Tolson *OK*
Belmont *OK*
Mohr *OK*
Casper
Callahan
Conrad
DeLoach *OK*
Evans
Gale
Rosen
Sullivan *WCS*
Tavel *ll*
Trotter
Tele. Room
Holmes
Gandy

Copies of the above pamphlet, published by the Standing Committee on Education Against Communism of the ABA, have been received and a review has been completed of the pamphlet. It is noted that memorandum from Mr. Gale to Mr. Tolson dated August 5, 1964, re, "American Bar Association Annual Meeting, New York, New York, August 7-13, 1964, Proposed Press Release Re Dangers of Peaceful Coexistence," advised of the receipt of the press release announcing publication of the above pamphlet and placed in Bureau files an advance copy of the pamphlet.

The pamphlet was prepared by Dr. Richard V. Allen of the Center for Strategic Studies of Georgetown University for the Standing Committee on Education Against Communism of the ABA. Retired Admiral Arleigh Burke is Director of that Center. A provisional draft of the pamphlet was received from the ABA in January, 1964, and reviewed in the Domestic Intelligence Division by memorandum Mr. Smith to Mr. Sullivan dated 1-17-64 captioned, "Peaceful Coexistence, a Communist Blueprint for Victory." Re memo, in addition to review, furnished suggestions for several editorial changes in the manuscript which were approved for passing by Mr. H. L. Edwards to the Standing Committee on Education Against Communism.

The published version of the pamphlet has been reviewed, and it is noted that several of the changes suggested by this Bureau were incorporated in this published version. In addition, it is noted that some additional material of a current nature has been included in the pamphlet as published in August, 1964, in order to provide current information concerning the communist tactic of peaceful coexistence.

The pamphlet presents numerous quotations from communist sources concerning the communist use of peaceful coexistence as a weapon to further its drive to achieve domination of the world. The pamphlet makes the point that to the communists peaceful coexistence is not a truce in the conflict between the communist and noncommunist worlds, but is strictly a line of communist strategy which continues the struggle by world communism to achieve its goal of world domination.

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CONTINUED - OVER

SEP 15 1964

RESEARCH
SATELLITE

66 SEP 18 1964

Memorandum R. W. Smith to W. C. Sullivan
Re: "PEACEFUL COEXISTENCE, A COMMUNIST
BLUEPRINT FOR VICTORY," PUBLISHED IN
AUGUST, 1964, BY THE AMERICAN BAR ASSOCIATION

Set forth below are several quotations from Soviet
Premier Khrushchev concerning peaceful coexistence:

1. The Nature of Peaceful Coexistence (page 14)

"The policy of peaceful coexistence, as regards its social content, is a form of intense economic, political, and ideological struggle of the proletariat against the aggressive forces of imperialism in the international arena."

2. Peaceful Coexistence not a Compromise (pages 46-47)

"... We Communists have never accepted and never will accept the idea of peaceful coexistence in ideologies. There can be no compromise here... In this grim struggle between two uncompromising ideologies, the socialist and the bourgeois, which is under way in the world, and no one will deny this, we are attacking and will attack, asserting Communist ideas."

3. The Goal of Communism (page 83)

"Capitalism...wants to bury the Socialist system and we want--not only want but have dug--quite a deep hole, and shall exert efforts to dig this hole deeper and bury the capitalist system forever."

The pamphlet makes the point also that while the Soviet Communists and the Chinese Communists have been in open disagreement in the past few years, this disagreement is over a matter of tactics to be applied in achieving world domination. The pamphlet warns that regardless of the differences in tactics to achieve their goal, both Khrushchev and MAO Tse-tung seek to control the nations of the world for communist purposes.

CONTINUED - OVER

Memo R.W. Smith to W.C. Sullivan
RE: "PEACEFUL COEXISTENCE, A COMMUNIST
BLUEPRINT FOR VICTORY," PUBLISHED IN
AUGUST, 1964, BY THE AMERICAN BAR ASSOCIATION

In concluding, the pamphlet strongly warns against the communist use of the peaceful coexistence tactic, stating that the free-world nations should be on guard against communism and should not be lulled into dropping their guard against the devious and dangerous efforts of communists to subvert and weaken the defense against communist tyranny.

RECOMMENDATION:

For information.

RWC

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to
ME

UNITED STATES GOVERNMENT

Memorandum

TO : The Director

DATE: 9-1-64

FROM : N. P. Callahan

SUBJECT: The Congressional Record

AMERICAN BAR ASSOCIATION

Pages A4508-A4510. Congressman O'Hara, (D) Illinois, extended his remarks to include the report of the Committee on the Judiciary to the 30th Annual Convention of the National Bar Association, which speaks authoritatively for the Negro lawyers of the country. The report is entitled "The Negro Lawyer in Crisis." Mr. O'Hara pointed out that the convention was held in Baltimore and Edward B. Toles, Chicago lawyer, was chairman of the committee on the judiciary. The report states "Attorney General Robert F. Kennedy in his tremendous civil rights crusade began first in his own Department which had less than 10 Negro attorneys when he took office. 'Recruit them, if necessary, but get them,' he told his department heads. 'We can't be pressing

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Original

Congress for enactment of civil rights legislation and urging private industry to employ more Negroes when we aren't doing our share along that line. -- " At the present time there are three Negro U. S. attorneys and 35 assistant U. S. attorneys. In addition there are 43 Negro attorneys in the litigating divisions of the Justice Department. "

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NOT RECORDED
184 SEP 15 1964

In the original of a memorandum captioned and dated as above, the Congressional Record for 8 31-64 was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

70 SEP 22 1964

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UNITED STATES

MENT

Memora

TO : DIRECTOR, FBI

DATE: 9/14/64

FROM : SAC, SEATTLE

SUBJECT: AMERICAN BAR ASSOCIATION

Retelephone call to Inspector H. L. EDWARDS, today.

On 9/11/64, U. S. District Judge GEORGE H. BOLDT in Tacoma, Washington, called and advised that at the annual meeting of the American Bar Association held in August, 1964, a House of Delegates, as well as the Board of Governors, approved the creation of a three-year project entitled "A Special Committee to Formulate Standards for the Administration of Criminal Justice." The Committee is to have five advisory committees, one of which is on police functions. The advisory committees are to meet; examine the problem; submit a report to the parent committee at the end of three years. Judge BOLDT advised that he had received a letter from Chief Judge ED LOMBARD of the Second Circuit Court of Appeals in New York, chairman of this committee, asking Judge Boldt for a recommendation for a member in law enforcement to serve on the group, which committee deals with "police functions." In keeping with Mr. EDWARDS' instructions, I am advising Judge BOLDT today that he can submit the name of SA EDWARDS as a possible representative from law enforcement on this Committee.

2 - Bureau (AM)
1 - Seattle
JEM:bhc
(3)

Memo
Edwards to JEM
9/15/64
HLE

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EX 101

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